

The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF

THE TERRITORY OF OREGON;

BEING THE

THIRD REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

AT SALEM, DECEMBER 1, 1851.

IN THE SEVENTY-SIXTH YEAR OF THE INDEPENDENCE OF THE U. S.

OREGON:
ASAHEL BUSH, TERRITORIAL PRINTER.
1852.

17 2 27 1948

111

REVIEWING OFFICE

THE TERRY OF OREGON

1948
1948
1948
1948
1948

1948

1948

1948

1851, December 1st, 1851.

The House met pursuant to adjournment at 10 o'clock, A. M. Present—J. C. Avery, J. W. Drew, James Davidson, N. Ford, J. S. Holman, A. J. Hembree, Wm. M. King, Samuel McSweeney, D. M. Rison, Ralph Wilcox and Luther White. Chapmen.

The Journal of the previous day was read and approved.

HOUSE OF REPRESENTATIVES.

On motion of Mr. Wilcox, the House proceeded to the election of a Clerk. The votes having been counted, Benjamin F. Harding was duly elected.

Monday, December 1st, 1851.

Pursuant to law, the third regular session of the House of Representatives of the Legislative Assembly of the Territory of Oregon, was convened this day, at Salem in said Territory, on Monday, the 1st day of December, A. D. 1851.

The following members were present, to-wit: George L. Curry, of Clackamas; J. C. Avery, of Clatsop; Benton; Wm. Allphin and Luther White, of Lane; D. M. Rison, of Elsie; Willie Chapman and James Davidson, of Marion; J. S. Holman and Nathaniel Ford, of Polk; Ralph Wilcox, Wm. M. King and Z. C. Bishop, of Washington; A. J. Hembree and Samuel McSweeney, of Yamhill; Joseph W. Drew of Umpqua.

On motion of Mr. Hembree, Mr. King was appointed Chairman.

On motion of Mr. Avery, Benjamin F. Harding was appointed Clerk, *pro tem*.

On motion of Mr. Curry, the House proceeded to the election of a Committee to examine the credentials of members.

The Chairman appointed a committee of three to examine the credentials of members.

Messrs. Curry, Wilcox and Chapman, were appointed said committee.

Mr. Curry from said committee, reported the above-named gentlemen in attendance as members of this House for their respective counties.

On motion of Mr. Ford, That the House adjourn until 2 o'clock, P. M., to-morrow, was decided in the negative.

By request of the Chairman, Hon. O. C. Pratt, Associate Justice of the Supreme Court of the Territory of Oregon, administered the oath of office to the following named members, viz:

J. C. Avery, William Allphin, Z. C. Bishop, Willie Chapman, G. E. Cole, J. S. Holman, A. J. Hembree, Wm. M. King, Samuel McSweeney, D. M. Rison, Ralph Wilcox and Luther White.

On motion of Mr. Curry, The House adjourned until 2 o'clock, P. M., to-morrow.

TUESDAY, December 2d, 1851.

The House met pursuant to adjournment.

Present—J. C. Avery, Wm. Allphin, Z. C. Bishop, Willie Chapman, Geo. L. Curry, G. E. Cole, J. W. Drew, Jas. Davidson, N. Ford, J. S. Holman, A. J. Hembree, Wm. M. King, Samuel McSween, D. M. Risdon, Ralph Wilcox, Luther White and Benj. Simpson.

The Journal of the preceding day was read and accepted.

On motion of Mr. Cole,

The House proceeded to the election of Speaker.

Messrs. Hembree and Avery acting as tellers.

The votes having been counted, it appeared that William M. King was duly elected.

On motion of Mr. Wilcox,

The House proceeded to the election of Chief Clerk.

The votes having been counted, it appeared that Benjamin F. Harding was duly elected.

The House then proceeded to the election of Assistant Clerk.

The votes having been counted, it appeared that E. L. Massey was duly elected.

On motion of Mr. Wilcox,

The House proceeded to the election of Sergeant-at-Arms.

The votes having been counted, it appeared that Benjamin McCornick was duly elected.

The House then proceeded to the election of Door-Keeper.

The votes having been counted, when no person having received a majority of all the votes cast, a second balloting was had, and the votes being counted, it appeared that Wm. L. Fraser was duly elected.

Benjamin Simpson of Marion here took the oath of office, which was administered by the Hon. O. C. Pratt, Associate Justice of the Supreme Court of the Territory of Oregon.

The officers elect here severally took the oath of office, which was administered by the Hon. O. C. Pratt, Associate Justice of the Supreme Court of the Territory of Oregon, and entered upon the discharge of their respective duties.

On motion of Mr. Simpson,

The Speaker was requested to appoint a committee of three members to act in conjunction with a like committee of the Council, to procure suitable rooms and other conveniences for the sitting of the two Houses of the Legislative Assembly at its present session.

Messrs. Simpson, Davidson and White were appointed said committee.

On motion of Mr. Ford,

The House adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, December 3d, 1851.

House met pursuant to adjournment.

Mr. John A. Anderson here appeared, was duly qualified, and took his seat as Representative of the counties of Clatsop and Pacific.

The Journal was read.

On motion of Mr. Wilcox, a committee of three was appointed to prepare and report rules for the government of the House. Messrs. Wilcox, Cole and Curry were appointed said committee; Mr. Wilcox, from the committee to prepare and report rules for the government of the House, reported the following rules and orders:

RULE 1. The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day. He shall immediately call the members to order, and on the appearance of a majority of the members, shall cause the journals of the preceding day to be read.

RULE 2. Seven members with the Speaker, or eight members in his absence having chosen a Speaker *pro tem.*, shall be authorized to call the House, compel the attendance of absent members, make an order for their fine and censure, and may adjourn.

RULE 3. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

RULE 4. The Speaker shall rise to put a question, but may state it sitting.

RULE 5. Questions shall be distinctly put in this form to wit:—As many as are of opinion that (as the question may be), say aye; and after the affirmative voice is expressed—as many as are of the contrary opinion, say no. If the Speaker doubt, or a division be called for, the House shall divide,—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

RULE 6. The Speaker shall have a general direction of the House of Representatives' room, he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment; he shall have the right to name any member to bear messages to the Council, and to appoint all committees subject to additional members to be added upon motion.

RULE 7. The Speaker shall vote in all elections by ballot, and when the ayes and noes are called for, he shall vote, his name being called last, and in case of an equal division, the question shall be lost, and upon all other questions where the House is equally divided, he shall give the casting vote, or where his vote would make an equal division, he shall vote upon the call of any member, and in case of such division, the question shall be lost.

RULE 8. Twelve standing committees, to consist of three members each, shall be appointed at the commencement of the session, viz:—a committee on elections, a committee on ways and means, a committee on education, a committee on the judiciary, a committee on claims, a committee on military affairs, a committee on roads and highways, a committee on engrossed bills, a committee on enrolled bills, a committee on Indian affairs, a committee on commerce. It shall be the duty of the committee on elections to examine and report upon the certificates on elections and other credentials of the members returned to serve in the House, and to take into consideration all other matters relative to con-

tested elections, which may be referred to them.. It shall be the duty of the committee of ways and means to inquire into the financial concerns of the Territory, and to make a detailed report of the same, and to take into consideration all such other business as may be referred to them, and each of the other committees shall take into their consideration all subjects and matters which may be referred to them.

RULE 9. In case of any disturbance or disorderly conduct in the lobby, the Speaker (or chairman of the whole House) shall have the power to order the same to be cleared.

RULE 10. No committee shall sit during the sitting of the House without special leave, and all writs, warrants, and subpoenas issued by order of the House, shall be under the hand and seal of the Speaker, attested by the clerk.

RULE 11. All questions relating to the priority of business to be acted on, shall be decided without debate.

RULE 12. After the Journals are read, business shall be disposed of in the following order:

1. Petitions, memorials and remonstrances.
2. Reports from standing committees.
3. Reports from select committees.
4. Propositions and motions.
5. Second reading of bills, &c.
6. Engrossed bills read a third time.
7. Bills, reports and other business lying on the table.
8. Bills, and other business from the Council.
9. Other business of the Council.
10. The orders of the day.

RULE 13. The Speaker shall, upon each day, announce to the House the business in order, agreeably to the preceding rule. And no business shall be taken up or considered, until the class to which it belongs, shall be declared to be in order, but reports from the Governor may be read at any time.

RULE 14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate, and avoid personality. And no member shall impeach the motive of any other member's vote or argument.

RULE 15. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed, if otherwise, and the case require it, he shall be liable to the censure of the House.

RULE 16. If any member be called to order for words spoken in debate, the person calling him to order, shall repeat the words excepted to, and they shall be taken down in writing at the clerk's table; and no member shall be held to answer or be subject to the censure of the House, for words spoken in debate, if any other member has spoken or other business has intervened, after the words spoken, and before exception to them shall have been taken.

RULE 17. When two or more members happen to rise at once, the Speaker shall name who is the first to speak.

RULE 18. No member shall speak more than twice to the same question without the leave of the House, nor more than once until every member choosing to speak shall have spoken.

RULE 19. While the Speaker is putting the question, or addressing the House, no member shall walk across or out of the house; nor when a member is speaking shall any entertain private discourse, or pass between him and the Chair.

RULE 20. No member shall vote on any question, in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the house when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question—were you within the bar when your name was called?

RULE 21. No member shall be permitted to record his vote on either side of any question, unless he was present in the House at the time such question was put, unless by unanimous consent of the House.

RULE 22. Upon a division and count of the House on any question, no member without the bar shall be counted.

RULE 23. Every member who shall be in the House when the question was put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request; and the question shall then be taken without further debate.

RULE 24. When any motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the Chair, and read aloud before debated.

RULE 25. Every motion shall be reduced to writing, if the Speaker or any member desire it.

RULE 26. After a motion is stated by the Speaker, and read, it shall be deemed to be in possession of the House, but may be withdrawn at any time before decision or amendment.

RULE 27. When a question is under debate, no motion shall be received but to adjourn—to lie upon the table—for the previous question—to postpone indefinitely,—to postpone to a day certain,—to commit, or amend; which several motions shall have precedence, in the order they stand arranged, and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

RULE 28. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

RULE 29. The previous question shall be put in this form: "Shall the main question be put?" It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendment, and further debate of the main question, on a motion for the previous, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded

such motion; no call shall be in order prior to a decision of the main question.

RULE 30. On a previous question there shall be no debate, all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE 31. Motions and reports may be committed at the pleasure of the House.

RULE 32. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House, a motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert.

RULE 33. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

RULE 34. When a motion has once been made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or any other day during the session.

RULE 35. When the reading of a paper is called for, if any objections are made, it shall be decided by a vote of the House.

RULE 36. The unfinished business in which the House was engaged at the preceding adjournment shall have the preference in the order of the day; and no motion or any other business shall be received without special leave of the House until the former is disposed of.

RULE 37. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

RULE 38. Petitions, memorials, and other papers addressed to the House, may be presented by the Speaker, or by any member, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

RULE 39. A motion to adjourn shall be always in order, that, and the motion to lay on the table shall be decided without debate.

RULE 40. It shall be in order for the committee on enrolled bills to report at any time, when no motion is before the House. The committee can report without notice to the House, by handing the report to the principal clerk.

RULE 41. Every bill shall be introduced by motion for leave, or by order of the House, or the report of a committee. One day's notice, at least, shall be given of a motion to bring in a bill, and the member giving such notice shall state concisely the leading objects of the bill for the information of the House, which motion may be committed.

RULE 42. Every bill shall receive three several readings on three different days previous to its passage, unless two-thirds of the House shall dispense with this rule.

RULE 43. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" if no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

RULE 44. Upon the second reading of a bill, the Speaker shall state, it is ready for commitment or engrossment, and if committed, then the question shall be whether, to a select or standing committee, or to a committee of the whole House, the House shall determine on what day, but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

RULE 45. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

RULE 46. All bills ordered to be engrossed shall be in a fair round hand.

RULE 47. No amendment by way of rider shall be received to a bill on its third reading.

RULE 48. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

RULE 49. In forming a committee of the whole House, the Speaker, leaving the chair, shall appoint a chairman to preside.

RULE 50. Upon bills committed to a committee of the whole House, the bill shall be read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee and so reported to the House; after report, the bill shall again be subjected to be debated and amended by clauses before a question to engross it be taken.

RULE 51. All questions, whether in committee or in the House shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

RULE 52. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole House.

RULE 53. The rules of proceeding in the House, shall be observed in a committee of the whole House, so far as they may be applicable, except the rules limiting the times of speaking, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 54. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of at least two-thirds of the members present, nor shall the order of business established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

RULE 55. No member shall absent himself from the service of the House unless he shall have leave, or be sick and unable to attend.

RULE 56. The clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his abilities, and shall be deemed to continue in office until another be chosen.

RULE 57. - The duty of the door-keeper shall be to give notice to the House of all messages, to carry all messages the House may require, private as well as public; when requested to call a member of the House, he shall do so by name; he shall keep the House clean, and have a good fire made therein, by the hour of 9 o'clock in the morning, when the weather requires it.

RULE 58. It shall also be the duty of the door-keeper to attend the House during its sittings, to keep the Representative Hall and committee rooms in perfect order, and in all things to execute the commands of the Speaker and of the House from time to time.

RULE 59. It shall be the duty of the sergeant-at-arms to attend the House during its sitting, announce all messages, preserve order in the lobby of the Hall and to execute all processes issued by authority of this House, and directed to him by the Speaker.

RULE 60. No person shall be allowed to smoke within the hall or lobby thereof.

RULE 61. The clerk shall keep a journal of the decisions of the Chair, to be inserted at the close of the journal of the House.

On motion of Mr. Avery,
The report was accepted.

On motion,
The said rules were adopted.

On motion of Mr. Cole,
The clerk was directed to procure stationery for the use of the members and officers of this House.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has organized, by electing Samuel Parker, President, Richard J. White, chief clerk, Chester N. Terry, assistant clerk, Thomas B. Micou, enrolling clerk, Richard E. Willie, sergeant-at-arms, and Septimus Heulat, door-keeper.

On motion of Mr. Simpson,
The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY, December 4th, 1851.

House met pursuant to adjournment.

Present same as on yesterday.

The Journal was read.

On motion of Mr. Curry,

A committee of three was appointed to act with a like committee of the Council to draft and report joint rules for the government of the two Houses.

Messrs. Curry, Anderson and Risdon were appointed said committee.

Mr. Cole offered the following resolution:

Resolved, That a committee of five be appointed to act in conjunction

with a like committee on part of the Council, to draft resolutions expressive of the sense of the Legislative Assembly of the course pursued by the federal officers of this Territory.

On motion of Mr. Wilcox,

The resolution was adopted.

Messrs. Cole, Anderson, Drew, White and Chapman were appointed a committee in accordance therewith.

On motion of Mr. Avery,

The Speaker was requested to appoint a committee on counties, a committee on incorporations and a committee on printing, in addition to the standing committees of the House.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you, that Messrs. Lovejoy, Mealey and Hall have been appointed a committee on part of the Council to act with a like committee of the House to prepare and report joint rules for both Houses.

Mr. Speaker here announced Messrs. Avery, Allphin and Bishop as a standing committee on printing.

Mr. Curry, from the joint committee to draft and report joint rules for the government of the two Houses, reported the following rules for the government of the two branches of the assembly:

RULE 1. While bills or joint resolutions are on their passage between the two Houses, they shall be on paper under the signature of their clerks respectively.

RULE 2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the clerk of the House, where it originated, shall endorse on the back thereof, the House in which it originated, under which he shall place his signature.

RULE 3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

RULE 4. Every bill or joint resolution reported to have been duly enrolled, shall be first signed by the Speaker of the House of Representatives, who shall send the same to the Council, then by the President of the Council.

RULE 5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and President of the Council, in their Houses respectively when in session, which shall be carefully noted on the journals of each House.

RULE 6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

RULE 7. In case of disagreement between the two Houses after passing the usual formalities, each House shall appoint, at the request of the other, two members, to act as a committee of conference, which

committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

RULE 8. In all cases where the sergeant-at-arms of either House, by reason of official engagements, or other causes, be unable to execute the commands, or process, of the House of which he is an officer, it shall be the duty of the sergeant-at-arms of the other House to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

RULE 9. When a message is sent to the Council or House of Representatives, it shall be announced at the door by the sergeant-at-arms or door-keeper, and shall be respectfully communicated to the chair by the person by whom sent.

RULE 10. Messages shall be sent by such officers of the Council or House, as the President of the Council or Speaker of the House of Representatives may designate for that purpose.

RULE 11. No bill which shall have passed one House, shall be sent for concurrence to the other, on the last day of the session.

RULE 12. The President of the Council and the Speaker of the House, shall cause the chief clerk of each House to number the bills originating in their respective Houses.

On motion of Mr. Avery,

The report was accepted.

On motion of Mr. Simpson,

The rules were adopted.

On motion of Mr. Drew,

The committee on printing were instructed to procure the printing of fifty copies of the rules of the House; also, fifty copies of the joint rules for the government of the two houses, for the use of the members and officers of this House, at the earliest practicable period.

On motion of Mr. Simpson,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY, December 5th, 1851.

The House met pursuant to adjournment.

Present same as on yesterday.

The Journal was read.

The Speaker announced the standing committees of the House, as follows, viz :

Ways and Means—Messrs. Wilcox, Avery and White.

Judiciary—Messrs. Anderson, Cole and Curry.

Education—Messrs. Drew, Simpson and Risdon.

Elections—Messrs. Avery, Anderson and Allphin.

Claims—Messrs. Simpson, Davidson and Holman.

Military Affairs—Messrs. Bishop, McSween and Ford.

Roads and Highways—Messrs. Ford, Risdon and White.

Engrossed Bills—Messrs. Curry, Drew and Cole.

Enrolled Bills—Messrs. Risdon, Chapman and Bishop.

Indian Affairs—Messrs. Chapman, Holman and Wait.

Commerce—Messrs. Anderson, Bishop and Curry.

Counties—Messrs. Hembree, Allphin and Wilcox.

Corporations—Messrs. Curry, McSween and Matlock.

Mr. Drew, on leave, introduced a bill (H. B. No. 1) to amend an act entitled "an act to provide for the appointment of a librarian, and defining his duties," which was read a first time, and no objection being made thereto, it passed to a second reading.

On motion of Mr. Simpson,

The rules were suspended, and said H. B. No. 1 was read a second time by its title, and

On motion,

Said H. B. No. 1 was referred to committee of the whole.

On motion of Mr. Avery,

The House resolved itself into committee of the whole, Mr. Avery in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Avery reported that the committee of the whole having had under consideration (H. B. No. 1) "A bill to amend an act entitled 'an act to provide for the appointment of a librarian, and defining his duties,'" had directed him to report the same back to the House with the following amendments:

1st. After the word "bond" in third line of 1st sec. insert the words, "for the faithful discharge of his duties, in the sum of five thousand dollars."

2d. After the word "Territory" in last line of sec. 1, insert the word "aforesaid."

The report was received.

On motion,

The amendments reported by committee were adopted.

On motion of Mr. Simpson,

The rules were suspended, and said bill (H. B. No. 1) was considered engrossed and read a third time.

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the following resolution has been adopted, and Messrs. Deady, Lovejoy and Waymire appointed a committee in conformity therewith:

Resolved, That a committee of three be appointed to act jointly with a like committee of the House, with instructions to draft a memorial to Congress and report the same to Council at an early day.

On motion of Mr. Curry,

The House concurred with the Council in the adoption of the resolution, and Messrs. Curry, Anderson and Avery were appointed a committee in conformity thereto.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council has adopted the accompanying resolution, and the concurrence of the House is requested.

The resolution was then read as follows.

Resolved by the Legislative Assembly of the Territory of Oregon, That the Legislative Assembly adjourn until Monday, 8th inst, 10 A. M.

Motion by Mr. Wilcox,

That the House concur with the Council in the adoption of the resolution.

Decided in the negative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council have adopted the accompanying preamble and resolution, and the concurrence of the House is requested,

The preamble and resolution was then read as follows :

✓ WHEREAS, judge Nelson and judge Strong, chief and associate justices of the Supreme Court of this Territory, have, as private individuals, assumed to disregard and set at defiance an act of the legislative assembly of this Territory, passed February the —, 1851, locating the seat of government at Salem, by assembling at Oregon City on the first Monday of December, of the present year, and there proceeding to exercise the powers and functions of a Supreme Court, for the purpose of justifying their contempt of the legislative authority in thus assembling, by solemnly enacting that this act of meeting at Oregon City was a judicial decision of the validity or invalidity of the act in question ; therefore,

Be it resolved by the Legislative Assembly of the Territory of Oregon, That the joint committee heretofore raised for the purpose of drafting a memorial to Congress, be, and hereby are instructed to make a diligent inquiry into the matter, and incorporate the facts with such recommendations and suggestions as in their opinion will be best calculated to remove the present difficulty, for the purpose of laying the same before Congress at an early day.

On motion of Mr. Wilcox,

The preamble and resolution was referred to committee of the whole House.

The House then resolved itself into committee of the whole, Mr. Wilcox in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Wilcox reported that the committee of the whole, having had under consideration joint resolution, (C. R. No. 3) instructing the committee to draft a memorial to Congress, had directed him to report progress, and ask leave to sit again.

On motion of Mr. Simpson,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

On motion of Mr. Simpson,

The vote on the final passage of H. B. No. 1, "An act to amend an act entitled 'an act to provide for the appointment of a librarian, and defining his duties,'" was reconsidered.

On motion of Mr. Wilcox,

The committee of the whole were discharged from the further consideration of joint resolution (C. R. No. 3).

On motion of Mr. Simpson,

Said preamble and joint resolution (C. R. No. 3), were taken up, and

Mr. Anderson moved their adoption.

The yeas and nays being demanded thereon, resulted as follows:

Yeas—Messrs. Avery, Allphin, Anderson, Chapman, Drew, Davidson, Simpson, Wilcox, White and Speaker—10.

Nays—Messrs. Cole, Ford, Holman and Risdon—4.

So the question was decided in the affirmative.

On motion of Mr. Wilcox,

The House adjourned until Monday, 10 o'clock, A. M.

MONDAY, December 8th, 1851.

The House met pursuant to adjournment.

The roll was called, and the following named members were absent: Messrs. Ford, Holman, Hembree, McSween, Simpson and White.

The Journal was read.

Mr. Wilcox presented a petition signed by Franklin Tilford, and two hundred and fifty others, praying for the repeal of the law passed September, 1849, prohibiting negroes or mulattoes from residing in the Territory of Oregon, which was

On motion of Mr. Wilcox,

Referred to the judiciary committee.

On motion of Mr. Wilcox,

The House proceeded to the election of second assistant clerk.

The votes having been counted, it appeared that Victor Trevitt was duly elected.

Mr. Anderson here gave notice, that on to-morrow, or some early day, he would ask leave to introduce a bill to locate definitely the seat of government of this Territory.

On motion of Mr. Cole,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

House met pursuant to adjournment.

Mr. Simpson offered the following resolution:

Resolved, That a select committee of three be appointed to take into consideration the expediency of memorializing Congress for an appropriation to the Territory of Oregon, to be expended in the improvement of the Willamette river, and report the same at their earliest convenience by memorial or otherwise.

On motion of Mr. Simpson,

The resolution was adopted.

Messrs. Curry, Anderson and Avery were appointed a committee in accordance therewith.

Mr. Wilcox offered the following resolution, (H. R. No. 3):

Resolved, That a committee of five members be appointed to report to this House the propriety of calling a convention for the purpose of framing a State Constitution, and asking Congress to be admitted as a State into the Union.

Which was,

On motion of Mr. Avery,

Made the order of the day for to-morrow, 2 o'clock, P. M.

On motion of Mr. Anderson,

The House adjourned until to-morrow, 9 A. M.

TUESDAY, December 9th, 1851.

The House met pursuant to adjournment.

The roll was called.

Present—Messrs. Avery, Allphin, Anderson, Bishop, Curry, Cole, Chapman, Drew, Davidson, Ford, Holman, Risdon, Simpson, Wilcox, White and Speaker.

The Journal was read.

Mr. Anderson, from the judiciary committee, reported a bill, (H. B. No. 2,) to amend an act entitled "an act to prevent negroes or mulattoes from coming to or residing in Oregon,"

Which was read a first time, and no objection being made thereto, it passed to a second reading.

Mr. Drew, from the committee on education, reported a bill (H. B. No. 3) to provide for the selection and location of two townships of land to aid in the establishment of a University,

Which was read a first time, and no objection being made thereto, it passed to a second reading.

On motion of Mr. Cole,

Fifty copies of H. B. No. 3 was ordered to be printed.

Mr. Cole offered the following resolution, (H. R. No. 4):

Resolved, That the committee on Indian Affairs be instructed to in-

quire into the depredations committed by the Snake River Indians, upon the immigration of this year, and report to the House at as early a day as practicable.

Which was, on motion of Mr. Cole, adopted.

H. B. No. 1; "A bill to amend an act entitled 'an act to provide for the appointment of a librarian, and defining his duties,'" came up in the regular order of business, and

On motion of Mr. Curry,

Was recommitted to a select committee of three.

Messrs. Curry, Drew and Risdon were appointed said committee.

On motion of Mr. Curry,

The House adjourned until 2'clock, P. M.

AFTERNOON SESSION—2 P. M.

House Resolution No. 3, for the appointment of a committee to report to this House, upon the propriety of forming a State Constitution, and asking Congress, to be admitted into the Union as a State, having been made the order of this day, at 2 o'clock, P. M., was taken up, and the question being on the adoption of the resolution,

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council have concurred with the House in the adoption of joint resolution (H. R. No. 1) in regard to federal officers, and that Messrs. Garrison, Waymire and Humphrey are appointed a committee in accordance therewith.

Mr. Drew offered the following resolution:

Resolved, That the committee on Military Affairs, be and are hereby instructed to inquiry into the expediency of memorializing Congress for the establishment of a military post in Rogue river valley.

On motion of Mr. Drew,

The resolution was adopted.

On motion of Mr. Bishop,

The House adjourned until to-morrow, 9 A. M.

WEDNESDAY, December 10th, 1851.

House met pursuant to adjournment.

The Journal was read.

Mr. Anderson presented the petition of Harriet Wonce, praying for a divorce from the bonds of matrimony existing between her and George Wonce; which was

On motion of Mr. Anderson,

Referred to judiciary committee.

3—H. J.

Mr. Anderson also presented the petition of George Wonce, praying for a divorce from his wife, Harriet Wonce, which was,

On motion of Mr. Anderson,

Referred to committee on judiciary.

Mr. Anderson also presented the petition of J. B. Chapman, and fifty five other citizens of a district north of Columbia river in this Territory, praying for the organization of a new county out of said district, which was referred to committee on counties.

Mr. Ford presented the petition of James L. Martin, praying for a divorce from the bonds of matrimony existing between him and his wife Julia, which was

On motion of Mr. Holman,

Referred to a select committee of three.

Messrs. Holman, Bishop and McSween were appointed said committee.

H. B. No. 2; A bill to amend an act entitled "an act to prohibit negroes and mulattoes from coming to or residing in Oregon," was read a second time, and

Referred to committee of the whole.

H. B. No. 3; "A bill to provide for the selection and location of two townships of land to aid in the establishment of a University," was read a second time, and

Referred to committee of the whole.

The House then resolved itself into committee of the whole, Mr. Chapman in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Chapman reported that the committee of the whole having had under consideration H. B. No. 2, A bill to amend an act entitled "an act to prevent negroes or mulattoes from coming to or residing in Oregon," had directed him to report that the committee had made progress therein, and ask leave to sit again.

The report was received, and

On motion,

The bill was ordered to be printed.

On motion of Mr. Risdon,

The House resolved itself into committee of the whole, Mr. Wilcox in the chair, and after sometime spent therein, the committee rose, the Speaker resumed the chair, and Mr. Wilcox reported that the committee of the whole, having had under consideration H. B. No. 3, A bill to provide for the selection and location of two townships of land to aid in the establishment of a University, had directed him to report the same back to the House with one amendment.

The report was accepted.

On motion,

The amendment of the committee was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying resolution, (C. R. No. 5) has passed the Council, and a concurrence of the House is requested.

The resolution was then read as follows:

Resolved by the Council, the House concurring therein, That the Hon.

O. C. Pratt, associate judge of the Supreme Court, in and for the Territory of Oregon, be respectfully requested to give his opinion to this legislative assembly, touching the validity of that act, passed by the legislative assembly, at Oregon City, February, 1851, locating the public buildings and making the seat of government at Salem, Marion county.

On motion of Mr. Curry,

The House concurred with the Council in the adoption of the resolution.

On motion,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

The Speaker announced Messrs. Wilcox, Anderson, Simpson, Drew and White as a committee in accordance with H. R. No. 3, to report to this House the propriety of forming a State Constitution, and asking Congress to be admitted into the Union as a State.

On motion of Mr. Simpson,

Leave of absence was granted to Mr. Wilcox, until Monday morning next.

On motion of same,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY, December 11th, 1851.

House met pursuant to adjournment.

Mr. Curry presented the petition of J. H. Blacker, and 105 other citizens of this Territory, praying for the location of a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem.

Referred to the committee on roads and highways.

Mr. Hembree, from the committee on counties,

Reported a bill (H. B. No. 4) for the organization of a new county with the following boundaries, viz: Beginning at the mouth of Nesqually river, and running west with the Sound; thence across the arm of the Sound, to the west bank of Budd's inlet; thence up Mud Bay, west, fifteen miles; thence south-east to the forks of the road leading to Yilm and Olympia; thence east to the Nesqually river; thence down said river to the place of beginning.

Said bill was then read a first time, and

On motion,

Referred to a select committee of three.

Messrs. Anderson, Hembree and Bishop were appointed said committee.

Mr. Curry, from the select committee to whom was referred H. B. No. 1, a bill to amend an act entitled "an act to provide for the appointment

of a librarian, and defining his duties," reported the same back to the House with sundry amendments.

On motion,

The report was accepted, and

On motion,

The amendments reported by the committee were adopted.

Said bill, H. B. No. 1, was then read a third time, and

The question being, "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 3; A bill to provide for the selection and location of two townships of land to aid in the establishment of a University, came up on third reading; it was moved by Mr. Curry, that the bill be recommitted with instructions to the committee to amend the same by inserting in second section after the words "land" in 4th line, the words—"by examination of the field notes of the United States survey, as the same progresses."

Which motion was decided in the negative.

On motion,

The bill was referred to a select committee of three.

Messrs. Avery, Drew and Risdon were appointed said committee.

On motion of Mr. Avery,

The House resolved itself into committee of the whole, Mr. Holman in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Holman reported that the committee of the whole, having had under consideration H. B. No. 2, "A bill to amend an act entitled 'an act to prevent negroes or mulattoes from coming to or residing in Oregon,'" had directed him to report the same back to the House with sundry amendments thereto.

On motion,

The report was accepted.

On motion of Mr. Ford,

That the further consideration of said bill be indefinitely postponed,

The yeas and nays being demanded thereon, resulted as follows:

Yeas—Messrs. Allphin, Bishop, Chapman Davidson, Ford, Hembree, McSween, Simpson and White—9.

Nays—Messrs. Avery, Anderson, Curry, Cole, Drew, Hembree, Risdon and Speaker—8.

So the question was determined in the affirmative.

Mr. Ford offered the following resolution, (H. R. No. 6,) which was then read as follows:

Resolved by the Council, the House concurring herein, That our Delegate in Congress be, and he is hereby requested to use his influence with the Congress of the United States, to have the act passed Sept. 27, 1850, making donations to the settlers of the public lands in Oregon Territory, amended as to allow all white American females, over the age of eighteen years, who were in said Territory on the 1st day of December, A. D. 1850, that provisions have not been made for in the 4th section of said act, a donation of three hundred and twenty acres of land; and to

all white American females over the age of twenty-one years, who have or may immigrate to said Territory, between the first day of December, A. D. 1850, and the first day of December, 1853, that no provisions are made for in the 5th section of said act, a donation of 160 acres of land; provided, that no female shall receive more than one donation; and provided further, that no female shall receive a patent for lands so donated, until she shall have resided in said Territory four years; and also to have said act so amended as to allow all orphan children that are of white parents, that were in said Territory on the 1st day of December, 1850, who shall not inherit rights under said act from their parents, to receive a donation of 80 acres of land each; and all orphan children in said Territory, who shall have become orphans by the death of their parents on the way to this Territory, or after arriving in said Territory, between the 1st day of December, A. D. 1850, and the 1st day of December, 1853, the quantity of 40 acres of land each; provided they do not inherit rights under said act from their deceased parents.

On motion of Mr. Curry,

Said resolution was ordered to be printed.

On motion of Mr. Avery,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Anderson, from the select committee to whom was referred H. B. No. 4, with leave of the House, reported the same back with the following amendments, viz:

1st. Strike out third section and insert the following:

Be it further enacted; that the precincts within said county, be and the same are hereby established at Olympia—Nathan Eaton's and Thomas Glasco's; provided, nothing in this bill shall be so construed as to prevent the proper county authorities from establishing at any time hereafter, the precincts of said county at any point or points they may deem fit or proper.

On motion,

The report was accepted.

On motion,

The amendments reported by the committee were adopted.

Mr. Victor Trevitt, assistant clerk elect, here appeared, took the oath of office, and entered upon the discharge of his duties.

Mr. Avery, from the select committee to whom was referred (H. B. No. 3) a bill to provide for the selection and location of two townships of land to aid in the establishment of a University,

With leave of the House, reported the same back to the House with the following amendments, viz:

1st. Insert in 4th line of sec. 2 after the word "land" either by allotting special districts of Territory to each member of the board of commissioners, or in such other manner as said commissioners shall decide.

2d. Insert after the word "and" in 4th line of sec. 2, the word "they."

3d. Strike out sec. 5, and insert the following:

"That when any vacancy shall occur in said board of commissioners,

either by death, refusal to act, or otherwise, the remaining commissioner or commissioners shall fill the vacancy."

Add the following section:

"Sec. 6. This act to take effect and be in force from and after its passage."

On motion,

Said bill (H. B. No. 3) was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Anderson,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY, December 12th, 1851.

The House met pursuant to adjournment.

Present same as on yesterday.

The Journal was read.

Mr. Hembree, from the committee on counties, reported a bill (H. B. No. 5) to create and organize a new county to be called Jackson, which was read a first time, and

On motion of Mr. Simpson,

The rules were suspended, and said bill read a second time by its title, when it was,

On motion of Mr. Simpson,

Referred to committee of the whole.

Mr. Bishop, from the committee on military affairs, reported that the committee having had under consideration the subject of H. B. No. 5, deem it expedient to memorialize Congress for a military post in Rogue river valley, and reported a memorial in accordance with their opinion.

(See Appendix.)

The report was received, and the memorial read a first time.

Mr. Holman, from the select committee to whom was referred the petition of James L. Martin for divorce, reported a bill (H. B. No. 6) to divorce James L. Martin, from his wife Julia.

The report of the committee was received, and said bill read a first time.

H. B. No. 4; A bill to create and organize _____ county, was read a second time, and

On motion of Mr. Simpson,

Was referred to committee of the whole.

Mr. Drew, from the committee on engrossed bills, reported

H. B. No. 3; A bill to provide for the selection and location of two townships of land to aid in the establishment of a University, truly engrossed.

H. B. No. 3, came up in its regular order on third reading.

On motion,

1st blank in sec. 1, was filled with the names of Harrison Linville, Sidney Ford and Jesse Applegate.

1st blank in sec. 2d was filled with Oregon City, and the blank in 4th section was filled with the word five.

The question being "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Alphin, Anderson, Bishop, Cole, Chapman, Drew, Davidson, Ford, Holman, Hembree, McSween, Rison, Simpson, White and Speaker—16.

Nays—Mr. Curry—1.

So the question was determined in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to transmit Council resolution No. 8, requesting the opinion of the Hon. O. C. Pratt, to the House for your signature.

The Speaker here announced that he had signed C. R. No. 8, joint resolution requesting the opinion of Hon. O. C. Pratt.

On motion of Mr. Hembree,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

On motion of Mr. Simpson,

The House resolved itself into committee of the whole, Mr. McSween in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. McSween reported, that the committee of the whole, having had under consideration (H. B. No. 5) "a bill to create and organize the county of Jackson," had directed him to report the same back to the House without amendment.

The report of the committee was accepted, and

On motion of Mr. Simpson,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Bishop,

The House resolved itself into committee of the whole, Mr. Ford in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Ford reported that the committee having had under consideration H. B. No. 4, had directed him to report the same back to the House without amendment.

The report was received, and

On motion of Mr. Drew,

Said bill was referred to a select committee of three.

Messrs. Drew, Cole and Bishop, were appointed said committee.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has adopted the accompanying preamble and resolution (C. R. No. 7) which is herewith transmitted for the concurrence of the House.

Said preamble and resolution was then read, as follows:

WHEREAS, in the present condition of the Territory, growing out of the hostile attitude assumed by the executive and judicial departments against the representatives of the people, it is deemed desirable that the legislative assembly should act in the premises with full understanding of the matters at issue; therefore,

Be it resolved by the Legislative Assembly of Oregon Territory, That the Hon. O. C. Pratt, one of the associate justices of the Supreme Court of the United States in and for the Territory of Oregon, be requested to communicate his opinion on the following points:

First, Whether by any law now in force, the legislative assembly is legally authorized to assemble at Salem, in Marion county, for the discharge of its public duties.

Second, If there be no law requiring such assembling at Salem, is it competent in the absence of any law locating the seat of government elsewhere, for such to meet and do business at Salem as a legislative assembly.

Third, Also, whether there is any law in force in this Territory, authorizing a session of the Supreme Court for the Territory, at Oregon City; and if not, what is the effect or binding obligations upon the people and their representatives, of decrees and judgments assumed to be pronounced and promulgated there by judges Nelson and Strong, who, as is understood, have recently attempted to exercise such powers at that place.

On motion of Mr. Simpson,

The House concurred with the Council in the adoption of the preamble and resolution.

Mr. Risdon offered the following resolution: (H. R. No. 7,) which was then read as follows:

Resolved by the House of Representatives, the Council concurring herein, That our Delegate be requested to ask Congress to enact a law, or so to amend an act donating section 16 and 36 in each township for the support of schools, as to authorize and make it the duty of the surveyor general in all cases where sections or parts thereof, at the time of survey are occupied by actual settlers, to select and locate in legal subdivisions or fractions containing 40 acres or more, two sections of land in each township, for the purpose aforesaid.

On motion,

The resolution was adopted.

On motion of Mr. Anderson,

The House adjourned until 9 o'clock to-morrow morning.

—
SATURDAY, December 13th, 1851.

The House met pursuant to adjournment.

Present—same as on yesterday.

Mr. Curry, from the Judiciary committee, made the following report:

The judiciary committee, to whom was referred the petition of George

and Harriet Wonce, for divorce, ask leave to report, that it is inexpedient to legislate thereon,

The report was received, and

On motion of Mr. Simpson,

Was adopted.

The Speaker here announced, that he had signed joint resolution (C. R. No. 7) asking the opinion of Hon. O. C. Pratt, on certain points therein stated.

Mr. Drew, from the select committee, to whom was referred (H. B. No. 4) "A bill to create and organize county," reported the same back to the House with the following amendments:

1st. Strike out all the first section after the fourth line, and insert the following, viz:

Commencing at the north-west corner of Pacific county, and running along the northern boundary line of said county to the north-east corner thereof; thence continuing a due east course to the summit of the Cascade range of mountains; thence along the summit of said range of mountains, to the boundary line between the United States and the British possessions; thence along said boundary line to the Pacific ocean; thence along the coast to the point of beginning.

2d. Strike out all in section 3, after the word word "enacted" in first line, and insert the following:

That the election precincts within said county, be and the same are hereby established at Steilacoom City and Olympia; provided, that nothing in this bill shall be so construed as to prevent the proper county authorities any time hereafter establishing the precincts of said county, at any place they may deem fit or proper.

3d. Strike out section 4.

The report was accepted, and

On motion of Mr. Simpson,

That the amendments reported by the committee be adopted,

On motion of Mr. Avery,

That the further consideration of the subject be postponed until Wednesday next,

Decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying resolution (C. R. No. 8) has been adopted by the Council, and is herewith transmitted for the concurrence of the House.

Said resolution was then read as follows:

Resolved by the Council, the House concurring, That the committee appointed to memorialize the Congress of the United States, be and they are hereby instructed, to memorialize the same for a suitable appropriation to continue the geological survey of this Territory, and that the geologist acting under the same be instructed to prepare duplicates of all the specimens to be deposited in the archives of the Territory.

On motion of Mr. Simpson,

The House concurred with the Council in the adoption of the resolution.

Second reading of bills being in order, (H. B. No. 6), "A bill to divorce James L. Martin from his wife, Julia," came up in its regular order, was read a second time, and

On motion of Mr. Curry,

It was referred to committee of the whole.

Memorial No. 1, to Congress, for the establishment of a military post in Rogue river valley, was read a second time, and

On motion of Mr. Avery,

Was referred to committee of the whole.

On motion of Mr. Drew,

The House resolved itself into committee of the whole, Mr. Bishop in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Bishop from the committee of the whole, reported that the committee having had under consideration (H. B. No. 6) "A bill to divorce James L. Martin from his wife, Julia," had directed him to report the same back to the House with the following amendments, viz:

Add section 2d—

"This act to take effect and be in force from and after its passage."

The report was received.

On motion of Mr. Simpson,

The amendment of the committee was adopted, and

On motion of Mr. Simpson,

The bill was ordered to be engrossed and read a third time on Tuesday next.

The yeas and nays being demanded thereon, resulted as follows:

Yeas—Messrs. Avery, Bishop, Chapman, Davidson, Ford, Holman, Risdon, Simpson, White and Speaker—10.

Nays—Messrs. Allphin, Anderson, Curry, Cole, Drew, Hembree and McSween—7.

So the question was determined in the affirmative.

On motion of Mr. Drew,

The House adjourned until Monday, 10 o'clock, A. M.

MONDAY, December 15th, 1851.

The House met pursuant to adjournment.

Present—Messrs. Avery, Anderson, Allphin, Bishop, Curry, Chapman, Cole, Davidson, Holman, Hembree, McSween, Risdon, White and Mr. Speaker.

Mr. Hembree, on leave, introduced "a bill (H. B. No. 7) to amend an act regulating grocery licences, passed September 27th, 1849," which was read a first time, and no objection being made thereto, it passed to a second reading.

Mr. Curry introduced "a bill (H. B. No. 8) to regulate marriages," which was read a first time, and no objections being made thereto, it passed to a second reading.

Mr. Anderson, on leave, introduced "a bill (H. B. No. 9) to amend an act entitled 'an act to locate the county seat of Clatsop county,'"

which was read a first time, and no objections being made thereto, it passed to a second reading.

Mr. Davidson here gave notice, that on to-morrow or some future day, he would ask leave to introduce a bill in regard to estrays.

On motion of Mr. Anderson, Fifty copies each of H. B. No. 7, 8 and 9, were ordered to be printed.

On motion of Mr. Anderson,

The rules were suspended, and (H. B. No. 9) "an act to amend an act entitled "an act to locate the county seat of Clatsop county," was read a second time, and

On motion of Mr. Avery,

The rules were further suspended, the bill considered engrossed, and ordered to be read a third time now.

The bill was so read, and the question being, "Shall this bill pass?" It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed the accompanying resolution, as amended, and it is herewith transmitted for your concurrence.

The amendment was as follows, viz:

Strike out all after the enacting clause, and insert the following:

"That the committee to memorialize Congress be instructed to ask the passage of a law authorizing the trustees of each township to locate two sections of land, in each township, for the use of common schools, in legal subdivisions, or in fractions, lying between claims, without regard to size or shape, when sections sixteen and thirty-six are occupied at the time of survey by actual settlers."

Motion by Mr. Avery,

That the House do not concur in the amendment,
Decided in the affirmative.

Mr. Hembree, with leave, introduced "a bill (H. B. No. 10,) supplemental to an act to incorporate the Portland and Valley Plank Road Company, passed January 29th, 1851," which was read a first time, and no objections being made thereto, it passed to a second reading; when,

On motion of Mr. Hembree,

The rules were suspended, and the bill read a second time.

On motion of Mr. Hembree,

The said bill was ordered to be engrossed.

Mr. Curry, from the committee appointed to take into consideration the expediency of memorializing Congress for an appropriation to the Territory of Oregon, to be expended in improvements of the Willamette river, with leave, report, by memorial, asking Congress for an appropriation of \$100,000 for that purpose, one half to be expended below the Falls of said river, and one half above the Falls of said river; which was read a first time, and no objections being made thereto, it passed to a second reading.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council insist on their amendment to House resolution No. 7, and Messrs. Lovejoy and Hall have been appointed a committee of conference thereon on part the Council.

On motion,

Messrs. Hembree, Cole and Bishop were appointed a like committee on part of the House.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council has adopted the accompanying resolution, (C. R. No. 9,) which is herewith transmitted for your concurrence.

Said resolution was then read as follows :

WHEREAS, much inconvenience and embarrassment is experienced by the people of Oregon in the United States mail facilities, by the present course pursued by Postal Agents ; therefore,

Resolved by the Council, the House concurring, That a committee be appointed to inquire the expediency of memorializing Congress on that subject, and for a post office to be established at each county seat in the several counties, and for the establishment of a mail route direct from San Francisco, to Puget Sound, north of the Columbia river, and report by joint resolution or otherwise ;

Which was,

On motion of Mr. Hembree,

Adopted by the House ; and Messrs. Drew, McSween and Bishop were appointed a committee on part of the House, in accordance therewith.

On motion of Mr. Avery,

The committee of the whole was discharged from the further consideration of the memorial to Congress, (M. No. 1,) asking for the establishment of a military post in Rogue river valley.

Ordered that fifty copies of said memorial be printed.

On motion of Mr. Cole,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Anderson offered the following resolution, (H. R. No. 8) :

Resolved by the House, the Council concurring, That a committee of three be appointed to act in conjunction with a like committee on part of the Council, to take into consideration the expediency of memorializing Congress on the subject of increasing the pay of the collectors of revenue, in and for the district of Oregon, since their appointment ; and for increasing the salaries of collectors in and for the Territory of Oregon.

Which was,

On motion of Mr. Simpson,

Adopted.

Messrs. Anderson, White and Simpson were appointed a committee in conformity thereto.

On motion of Mr. Simpson,

Fifty copies of H. M. No. 2, were ordered to be printed.

The Speaker here announced that he had signed (C. R. No. 9,) joint resolution in regard to a memorial to Congress on the subject of mail routes.

Joint resolution (H. R. No. 6,) was taken up, read a second time, and

On motion of Mr. Cole,

Was referred to committee of the whole.

On motion of Mr. Simpson,

The House resolved itself into committee of the whole, Mr. Bishop in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Bishop, from the committee of the whole, reported that the committee having had under consideration joint resolution (H. R. No. 6) containing instructions to our Delegate in Congress, had directed him to report the same back to the House with the following amendment :

1st. Strike out the word "twenty-one," 6th line, and insert sixteen.

2d. Add the following :

"And be it further resolved, the Council concurring, That our Delegate in Congress be, and he is hereby, requested to employ his utmost endeavors to obtain from Congress an extension of said act so as to provide that all white male American youth, resident in said Territory, who may arrive at eighteen years of age before the first day of December, 1853, shall receive a donation of 160 acres of land, by residing upon, and cultivating the same for four consecutive years."

The report was received, and

On motion of Mr. Simpson,

The amendments of the committee were adopted.

Mr. Cole offered the following resolution, (H. R. No. 9) :

Resolved, the Council concurring herein, That both Houses of the Legislative Assembly meet in the Hall of the House of Representatives, on Tuesday 16th day of December, A. D. 1851, at 2 o'clock, P. M., for the purpose of electing, by joint ballot, a Territorial Treasurer, a Territorial Auditor, a Librarian, a Commissioner on Cayuse War Claims, a District Attorney for the first and second Judicial Districts, a District Attorney for the third Judicial District."

On motion of Mr. Cole,

The resolution was adopted:

Mr. McSween, with leave, introduced a memorial (H. M. No. 3) asking Congress for an appropriation for the improvement of the Yamhill river.

Which was read a first time, and no objections being made thereto, it passed to a second reading.

On motion,

The House adjourned until 9 o'clock, to-morrow morning.

THURSDAY, December 16th, 1851.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Avery, Anderson, Allphin, Bishop, Cole, Curry, Chapman, Drew, Davidson, Ford, Holman, Hembree, McSween, Risdon, Simpson, White and Mr. Speaker.

Mr. Curry, from the committee on engrossed bills reported (H. B. No. 6,) "a bill to divorce James L. Martin from his wife Julia," and (H. R. No. 10,) "an act supplemental to an act to incorporate the Portland and Valley Plank Road Company," as truly engrossed.

Mr. Ford, from the committee on Roads and Highways, reported, "a bill (H. B. No. 11) for a Territorial road from Portland, to intersect the Territorial road from Oregon City to Salem," which was read a first time and no objection being made thereto, it passed to a second reading.

Memorial to Congress, No. 3, asking for an appropriation for the improvement of Yamhill river, was read a second time; and

On motion of Mr. Simpson,

Was referred to committee of the whole.

H. B. No. 10; "An act supplemental to an act to incorporate the Portland and Valley Plank Road Company," passed January 29th, 1851, was read a third time, and

The question being, "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 6; "A bill to divorce James L. Martin, from his wife, Julia," being the order of the day, was read a third time, and

The question being "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Bishop, Chapman, Davidson, Ford, Holman, Risdon, White and Speaker—9.

Nays—Messrs. Allphin, Anderson, Cole, Curry, Drew, Hembree, McSween and Simpson—8.

So the question was determined in the affirmative.

Mr. Ford, with leave, introduced a bill, (H. B. No. 12) to repeal an act entitled "an act to confirm the title to certain lots in Oregon City," which was read a first time; and no objection being made thereto, it passed to a second reading.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has concurred in the adoption of the accompanying resolution; (H. R. No. 9,) and are ready to meet the House at the time therein named.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has concurred with the House in the adoption

of the accompanying resolution, (H. R. No. 8,) and Messrs. Lovejoy, Hall and Mealey, are appointed a committee in accordance therewith.

H. B. No. 8, "A bill regulating marriages," was read a second time, and

On motion of Mr. Risdon,
Was referred to a committee of the whole.

On motion of Mr. Curry,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

The hour of 2 o'clock, P. M., appointed by joint resolution, (H. R. No. 9) for the election by joint ballot, of a Territorial Treasurer, Territorial Auditor, Librarian, Commissioner on Cayuse War Claims, District Attorney for the first and second judicial districts, and a District Attorney for the third Judicial District, having arrived, the Legislative Assembly met in joint committee, in the Hall of the House of Representatives, and proceeded to the election of said officers.

1st. A Territorial Treasurer.

Messrs. Lovejoy and Waymire of the Council, and Hembree and Avery of the House acting as tellers. The whole number of votes cast was 26, of which John D. Boon had 16, and was thereupon declared duly elected.

2d. A Territorial Auditor.

Same tellers as before. The whole number of votes cast was 26, of which William H. Willson had 14, and was thereupon declared duly elected.

3d. A Librarian.

Messrs. Garrison and Hall on part of the Council and Cole and Chapman of the House acting as tellers. The whole number of votes cast was 26, of which number Ludwell Rector had 15, and thereupon said Rector was declared duly elected.

4th. Commissioner of Cayuse War Claims.

Same tellers as before. Whole number of votes cast was 26, of which B. F. Harding had 23, and thereupon said Harding was declared duly elected.

On motion of Mr. Deady,

The joint convention adjourned until the 8th day of January, 1852, at 2 o'clock, P. M.

On motion of Mr. Ford,

H. B. No. 11; "A bill for a Territorial road from Portland, to intersect the Territorial road from Oregon City to Salem, was recommitted to the committee on roads and highways.

Mr. Drew offered the following resolution, (H. R. No. 10):

Resolved by the House, the Council concurring herein, That our Delegate in Congress be, and he is hereby requested to exert his influence with the Congress of the United States, to have the act passed September 27th, 1850, making donations to settlers of the public lands in Oregon Territory, so amended as to allow those settlers who are in the occupancy of lands, surveyed and laid out into towns, the privilege of granting

leases, or otherwise disposing of the occupancy of parts or portions of such lands, and that all bonds or other agreements made in good faith between the occupant and other parties for the confirmation of title subsequent to the issuing of patents, shall be valid.

Which was read a first time and passed to a second reading.

Mr. Avery, with leave, introduced "a bill (H. B. No. 13) to authorize county commissioners to sell certain lands," which was read a first time, and no objection being made thereto, it passed to a second reading.

Memorial (No. 2) to Congress, asking for an appropriation for the improvement of the Willamette river, was

On motion,

Read a second time now; and

On motion of Mr. Cole,

Referred to committee of the whole.

On motion of Mr. Curry,

The House resolved itself into committee of the whole, Mr. Hembree in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Hembree from the committee of the whole, reported that the committee of the whole, having had under consideration (H. B. No. 3) "a bill regulating marriages;" also, memorials No. 2 and No. 3, to Congress, had directed him to report H. B. No. 8 back to the House with the following amendments, viz:

Strike out all in first section between the word "male" in first line to the word "not" in second line, and insert the words "and female persons" in the place thereof; and strike out of first line of second section, the word "ordained," also strike out of second line of fifth section the words "or by indictments;" also to report memorial No. 2 and No. 3 back to the House without amendment.

The report was received.

On motion of Mr. Simpson,

The amendments of the committee to H. B. No. 8, were severally adopted.

On motion of Mr. Simpson,

Leave of absence was granted to Mr. Hembree for five days.

Mr. Simpson gave notice, that on to-morrow or some future day, he would ask leave to introduce a bill to regulate weights and measures.

On motion of Mr. Cole,

The House adjourned until to-morrow, 9 A. M.

WEDNESDAY, December 17th, 1851.

House met pursuant to adjournment.

The roll was called.

Present the following members, viz:

* Messrs. Allphin, Anderson, Avery, Bishop, Chapman, Cole, Curry, Davidson, Drew, Ford, Hembree, Holman, McSween, Risdon, Simpson, White, Wilcox and Speaker.

Mr. Risdon presented the petition of Milton Belcher, and 181 other citizens of this Territory, praying for a Territorial road from Salem to Winchester in said Territory.

Referred to the committee on roads and highways.

Mr. Ford, from the committee on road and highways, reported H. B. No. 11, which was recommitted to said committee, back to the House without amendment.

The said bill (H. B. No. 11) was read a second time, and

On motion of Mr. Curry,

Was referred to committee of the whole.

H. B. No. 13; "A bill to authorize county commissioners to sell certain lands," was read a second time, and

On motion of Mr. Avery,

Was ordered to be engrossed and read a third time to-morrow.

H. B. No. 7; "An act to amend an act entitled 'an act to regulate grocery licences,'" was read a second time, and

On motion of Mr. Anderson,

Was referred to committee of the whole.

H. B. No. 12; "A bill to repeal an act entitled 'an act to confirm the title to certain lots in Oregon City,'" was,

On motion of Mr. Ford,

Laid on the table.

Memorial to Congress No. 2, was read a third time, and

The question being, "Shall this memorial pass?"

It was decided in the affirmative.

Memorial to Congress No. 3, was read a third time, and

The question being, "Shall this memorial pass?"

It was decided in the affirmative.

H. B. No. 4; "A bill to create and organize county," being the order of the day, was taken up, and the question being on the adoption of the amendment reported by Mr. Drew from the select committee to whom the said bill was referred;

It was decided in the affirmative.

On motion of Mr. Anderson,

The said bill (H. B. No. 4) was considered engrossed, and the rules suspended and ordered to be read a third time now;

The bill was so read, and

Mr. Hembree moved to fill the blank in the title of said bill by inserting the word "Simmons";

Which motion was decided in the affirmative,

When the question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Anderson, Bishop, Cole, Curry, Davidson, Drew, Ford, Hembree, McSween, Wilcox and Speaker—11.

Nays—Messrs. Avery, Chapman, Allphin, Holman, Risdon, Simpson, and White—7.

So the question was decided in the affirmative.

On motion of Mr. Curry,

The House adjourned until 2 o'clock, p. m.

5—H. J.

AFTERNOON SESSION—2 P. M.

On motion of Mr. Ford,

H. J. R. No. 6 was ordered to be engrossed and read a third time to-morrow.

Mr. Davidson, with leave, introduced a bill (H. B. No. 14) concerning taking up of estrays, which was read a first time, and no objection being made thereto, it passed to a second reading.

Ordered that fifty copies of said bill be printed.

Mr. Wilcox, with leave, introduced a bill (H. B. No. 15), to amend an act entitled 'an act to provide for the erection of public buildings,' which was read a first time; and

On motion of Mr. Wilcox,

The rules were suspended, and the said bill read a second time now, when

On motion of Mr. Wilcox,

It was ordered to be engrossed and read a third time to-morrow.

Mr. Drew offered the following resolution (H. R. No. 11):

Resolved, That a select committee of three be appointed to inquire into the expediency of memorializing Congress for an appropriation to be expended in the removal of Brandy Bar on Umpqua river.

The resolution was adopted, and Messrs. Drew, Avery and Risdon were appointed a committee in conformity thereto.

Mr. White, with leave, introduced a bill (H. B. No. 10) to provide for a view, and report upon the practicability of constructing a Territorial road from the Willamette Valley to Fort Boise,

Which was read a first time, and no objection being made thereto, it passed to a second reading.

On motion of Mr. Curry,

H. B. No. 3 was ordered to be engrossed and read a third time to-morrow.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed the accompanying bill (H. B. No. 1) and it is herewith transmitted to the House where it originated for enrollment and your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER.—I am directed by the President of the Council to inform you that the Council has passed the accompanying bill (C. B. No. 2) "a bill authorizing Sylvester Hall and John B. Hall, to open and keep in repair a wagon road from the eastern base of the Cascade mountains to Philip Foster's at the western base of said mountains," which is herewith transmitted for the concurrence of the House.

Said bill (C. B. No. 2) was then read a first time, and no objection being made thereto, it passed to a second reading.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed the accompanying bill (C. B. No. 3), "an act to incorporate the Clackamas River Bridge Company," which is herewith transmitted for the concurrence of the House.

Said bill (C. B. No. 3) was then read a first time, and no objection being made thereto, it passed to a second reading.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed the accompanying memorial (C. M. No. 1) which is herewith transmitted for the concurrence of the House.

The said memorial (C. M. No. 1) was then read a first time, and the rules being suspended for that purpose was read a second time by its title.

The said memorial was then ordered to be read a third time to-morrow at 2 o'clock, P. M.

Mr. Simpson, with leave, introduced "a bill (H. B. No. 17) in regard to petitions for new counties, county lines, county seats, and for changing the same, which was then read a first time," and the rules being suspended therefor, the said bill was read a second time by its title, and

On motion,

Was referred to committee of the whole.

Mr. Ford, with leave, introduced "a bill (H. B. No. 18) for an act for the construction of bridges and ferries across the river Des Shutes," which was then read a first time, and

On motion of Mr. Simpson,

The rules were suspended, and the said bill read a second time by its title, and

On motion of Mr. Ford,

The said bill (H. B. No. 18) was referred to a select committee of three.

Messrs. Ford, Curry and White were appointed said committee.

On motion of Mr. Wilcox,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY, December 18th, 1851.

House met pursuant to adjournment.

Present same as on yesterday.

The Journal was read.

On motion of Mr. Avery,

Three thousand copies of Council Memorial No. 1 were ordered to be printed.

Mr. Chapman, from the committee on Indian Affairs, reported in regard to the hostility of the Snake-tribe of Indians.

Mr. Hembree offered the following resolution, (H. R. No. 12):

Resolved by the House, the Council concurring herein, That we adjourn this evening, and meet again at this place on the 1st day of January, 1852, at 10 o'clock, A. M.

On motion of Mr. Hembree,

Said resolution was adopted.

Mr. Curry, from the committee on engrossed bills, reported (H. B. No. 15,) "a bill to amend an act entitled an act to provide for the erection of public buildings," truly engrossed.

(C. B. No. 2;) "A bill to authorize Sylvester Hall and John B. Hall to open a wagon road through the Cascade mountains," was read a second time; and

On motion,

Was referred to committee of the whole.

(C. B. No. 3;) "A bill to incorporate the Clackamas River Bridge Company," was read a second time; and

On motion,

Was referred to a committee of the whole.

(H. B. No. 14;) "A bill concerning taking up estrays," was read a second time; and

On motion,

Was referred to committee of the whole.

(H. B. No. 16;) "A bill to provide for view, and report upon the practicability of constructing a Territorial road from the Willamette Valley to Fort Boise," was read a second time by its title; and

On motion,

Was referred to committee of the whole.

Mr. Drew, with leave, presented the petitions of Thomas Smith and twenty-five others, praying for a new county to be created out of the southern portion of Uumqua county, which was referred to committee on counties.

Mr. Curry, from the committee on engrossed bills, reported H. R. No. 6, truly engrossed.

The said resolution was then read a third time; and

The question being "Shall this resolution pass?"

It was decided in the affirmative.

H. B. No. 15, was read a third-time; and

On motion of Mr. Simpson,

Was committed to a select committee of three.

Messrs. Simpson, Wilcox and Avery were appointed said committee.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying memorial (H. M. No. 2,) has passed the Council, and is herewith transmitted to the House, from which it originated, for enrollment.

Mr. Simpson, from the select committee to whom was referred H. B.

No. 15, reported the same (with leave) back to the House, with the following amendments, viz :

Strike out all after the enacting clause, and insert the following :

"That in section first of the act providing for the erection of public buildings," passed January 15th, 1851, the words "twenty-five hundred" be stricken out, and the words "four thousand" inserted in lieu thereof; and also, in section eight of said act, strike out the words "twenty-five hundred," and insert the words "four thousand" instead thereof.

"Section 2d. This act to take effect and be in force from and after its passage."

On motion of Mr. Simpson,

The said amendments were adopted, when

The question being, "Shall this bill pass?"

It was decided in the affirmative.

Mr. Curry, from the committee on engrossed bills, reported (H. B. No. 13) "a bill authorizing county commissioners to sell certain lands," and (H. B. No. 8) "a bill regulating marriages," truly engrossed.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill, (H. B. No. 3,) "An act to provide for the selection and location of two townships of land to aid in the establishment of a University," has passed the Council, with the following amendments, in which the concurrence of the House is requested :

1st Amendment. Out of section 2d, strike 1st, 2d and 3d, and so much of 4th line as precedes the word "after," and in said line insert the words "and said commissioners."

2d Amendment. In section 3d, after the words "selected by them," add "and approved by the Surveyor General."

On motion of Mr. Avery,

The House concurred in the said Council amendments to said bill, (H. B. No. 3.)

(H. B. No. 8;) "A bill regulating marriages," was taken up and read a third time.

Mr. Ford moved that the first blank in section 4, be filled with the words "five hundred."

Which, on motion, was decided in the negative.

On motion of Mr. Hembree,

That the first blank in the 4th section be filled with the words "three hundred,"

Was decided in the affirmative.

On motion of Mr. Cole,

The second blank, in the 4th section, was filled with the words "five hundred;" when

The question being "Shall this bill pass?"

It was decided in the affirmative.

Mr. Hembree, with leave, introduced a bill (H. B. No. 19) to create

and organize Douglas county, which was read a first time, and no objection being made thereto, it passed to a second reading.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed the accompanying joint resolution, (H. R. No. 12,) with accompanying amendments, which are herewith transmitted for the concurrence of the House.

The amendments were as follows:

1st. Insert after the word "herein," in 2d line, the words "when they do adjourn, that."

2d. Strike out the word "we," and insert the words "Legislative Assembly."

3d. After the word evening in the 3d line, insert the words "18th inst."

On motion,

The House concurred with the Council in the adoption of the amendments.

On motion of Mr. Risdon,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Anderson offered the following, [H. R. No. 13]:

Resolved by the House, the Council concurring herein, That the public printer be instructed to solicit a copy of the opinion called for by the Legislative Assembly, from the Hon. O. C. Pratt, and to print as soon as practicable, one thousand copies of the same for the use of the members of the Legislature.

On motion of Mr. Anderson,

The resolution was adopted.

Mr. Avery offered the following resolution, [H. R. No. 14]:

Resolved by the House, the Council concurring herein, That the Librarian [Ludwell Rector] is hereby authorized and required to bring the Territorial Library from Oregon City to Salem, the seat of government of the Territory of Oregon, on or before the first day of January, 1852.

On motion of Mr. Avery,

The resolution was adopted.

C. M. No. 1, having been made the order of the day for 2 o'clock, P. M., was read a third time, and

The question being "Shall this memorial pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Allphin, Anderson, Bishop, Cole, Curry, Chapman, Drew, Davidson, Holman, Risdon, Simpson, White, Wilcox, and Mr. Speaker—15.

Nays—Messrs. Ford, Hembree and McSween—3.

So the question was decided in the affirmative.

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed H. R. No. 3, and it is herewith transmitted to the House for enrollment and your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed House memorial No. 1, and it is herewith transmitted to the House for enrollment, and your signature; also, that C. M. No. 1 has been reported truly enrolled, and is herewith transmitted for your signature:

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying resolution (H. R. No. 6) has passed the Council, and is herewith remitted to the House, where it originated, for enrollment and your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill, (H. B. No. 15) has passed the Council, and is herewith transmitted to the House wherein it originated, for enrollment and your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying resolution (H. R. No. 13) has passed the Council, and is herewith transmitted to the House wherein it originated, for your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed the accompanying resolution, (C. R. No. 11,) which is herewith transmitted for the concurrence of the House.

The resolution was as follows, to wit:

Resolved by the Council the House, concurring, That when the two

Houses of the Legislative Assembly adjourn, this 18th day of December, the Legislative Assembly adjourn to the 1st day of January, 1852, at 10 o'clock, A. M.

On motion of Mr. Simpson,

The House concurred with the Council in the passage of the resolution:

Mr. Risdon, from the joint committee on enrolled bills, reported memorial No. 1, to Congress, asking for the establishment of a military post in Rogue river valley, and House memorial No. 2, to Congress, asking for an appropriation for improving the Willamette river, and House memorial No. 3, to Congress, asking for an appropriation for improvement of Yamhill river, truly enrolled; also, H. B. No. 1, H. B. No. 3, and H. B. No. 15, truly enrolled.

On motion of Mr. Risdon,

Permission of the House was given for the withdrawal of the petitions of George and Harriet Wonce.

The Speaker here announced that he had signed the following memorials, viz:

H. M. No. 1, H. M. No. 2, H. M. No. 3 and C. M. No. 1.

The Speaker also announced that he had signed the following joint resolutions, viz:

H. R. No. 6, instructing our Delegate in Congress to use his influence with Congress, to have the land bill so amended as to allow certain females a donation of land; also, joint resolution, (H. R. No. 14) instructing the Territorial Librarian to remove the Territorial Library from Oregon City to Salem.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the President of the Council has signed memorial to Congress, (H. M. No. 2); also, Council memorial No. 1, to Congress of the United States.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the President of the Council has signed H. M. No. 3, and H. M. No. 1 to Congress of the United States.

The Speaker announced that he had signed the following bills, viz;

H. B. No. 1; An act to amend an act entitled 'an act to provide for the appointment of a Librarian, and defining his duties.'

H. B. No. 3; An act to provide for the selection and location of two townships of land to aid in the establishment of a University.

H. B. No. 15; An act to amend an act entitled 'an act to provide for the erection of public buildings.'

On motion,

The House adjourned to Thursday, January 1st, 1852, 10 o'clock, A. M.

THURSDAY, January 1st, 1852.

House met pursuant to adjournment.

There being no quorum present,

On motion of Mr. Curry,

The House adjourned until to-morrow, 9 A. M.

FRIDAY, January 2d, 1852.

The House met pursuant to adjournment.

There being no quorum present,

On motion of Mr. Anderson,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

The House met pursuant to adjournment.

Mr. Curry presented the petition of J. Quinn Thornton and others, praying the assembly to memorialize Congress for the confirmation of title to certain lots in Oregon City, and asking a donation of land to the Territory for the establishment and endowment of a University, in lieu of said lots, which was,

On motion of Mr. Curry,

Referred to the committee on the Judiciary.

Mr. Ford presented the memorial of N. and C. Olney, in regard to bridges and ferries on Des Shutes river, which was referred to a select committee consisting of Messrs. Ford, Curry and White.

Mr. Drew presented the petition of Barclay J. Burn, and others, for a Territorial road from Scottsburgh, at the mouth of Umpqua river, to Winchester, on said river, which was

On motion of Mr. Drew,

Referred to the committee on roads and highways.

Mr. Drew also presented the petition of J. B. Couls, and others, for the erection of new counties out of Umpqua county, which was

On motion,

Referred to a select committee.

Messrs. Drew, Risdon and Avery were appointed said committee.

Mr. Drew also presented the petition of William Tichenor, and others, asking for a county to be organized in the southern portion of this Territory, to be named "Oxford County," which was

On motion of Mr. Curry,

Referred to the committee on counties.

Mr. Drew moved that the vote on the reference of the petition of William Tichenor, and others, to the committee on counties, be reconsidered.

Decided in the negative.

H. B. No. 19; A bill to create and organize the county of Douglas, was read a second time, and

On motion of Mr. Curry,

Was referred to committee of the whole.

6—H. J.

H. B. No. 13; An act to authorize county commissioners to sell certain lands, was read a third time, and

The question being "Shall this bill pass?"

It was decided in the affirmative.

Mr. Curry presented the report of the Territorial Librarian, which was read and accepted, and

On motion of Mr. Anderson,

Was referred to a joint committee, consisting on part of the House of Messrs. Anderson, Drew and White.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying report on mail facilities and route from San Francisco to Puget's Sound, and joint resolution, has passed the Council, and is herewith transmitted for the concurrence of the House.

Said report and resolution was then read a first time, and no objection being made thereto, it passed to a second reading.

Mr. Davidson here gave notice, that on to-morrow or some future day, he would introduce a bill to regulate the keeping of jacks and stallions.

Motion by Mr. Curry,

That the House resolve itself into committee of the whole.

Decided in the negative.

On motion of Mr. Ford,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY, January 3d, 1852.

House met pursuant to adjournment.

Council resolution in regard to mail route from San Francisco to Puget's Sound, and other mail routes in Oregon, was read a second time, and

On motion of Mr. Ford,

Said resolution was referred to committee of the whole, and

Fifty copies of said resolution ordered to be printed.

Mr. Curry, from the committee on engrossed bills, reported H. R. No. 10, on the subject of the land bill, truly engrossed.

Said resolution, H. R. No. 10, was then read a third time, and

The question being "Shall this resolution pass?"

It was decided in the affirmative.

Mr. Davidson, with leave, introduced a bill (H. B. No. 20) to regulate the keeping of stallions and jacks, which was read a first time, and no objections being made thereto, it passed to a second reading.

On motion of Mr. Holman,

The House resolved itself into committee of the whole, Mr. Davidson in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Davidson reported that the committee of the whole having had under consideration H. B. No. 14, a bill concerning taking up estrays, had amended the same as follows:

1st. Strike out of 2d line of section 1, the word "sexes."

2d. Strike out of 4th line of section 5, the word "three" and insert the word "ten" in lieu thereof.

3d. Strike out of 2d line of 7th section, the word "county," and insert the word "owner" in lieu thereof, and strike out 3d and 4th lines. Also, that the committee of the whole having had under consideration (H. B. No. 7) "a bill to amend an act regulating grocery license, had amended the same by adding at the end of 1st section, the following proviso:

Provided, Nothing in this act shall prevent the clerk of said county, during vacation, from issuing said order requiring the applicant to pay into the County Treasury any sum not to exceed two hundred dollars, nor less than fifty dollars, to be approved the next regular term of said commissioners court thereafter; and further amended by striking out section 2d, and insert the following:—"That such parts of acts as conflict with this act, be and the same are hereby repealed," and had directed him to report the said bill, with amendments to the same, back to the House.

On motion of Mr. Cole,

The report was accepted.

On motion,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed the accompanying bill, (C. B. No. 6) a bill to incorporate the Oregon City and Canemah plank road company, and is herewith transmitted to the House for concurrence.

Said bill was then read a first time, and no objections being made there to, it passed to a second reading.

Mr. Davidson, on leave, introduced a memorial (H. M. No. 4) to the Congress of the United States, on the subject of the seat of government of this Territory, which was read a first time, and

On motion of Mr. Cole,

Was laid on the table.

Mr. Davidson moved that fifty copies of said memorial be printed, which motion was decided in the negative.

Mr. Avery offered the following resolution, (H. R. No. 15):

Resolved, the Council concurring, That the Hon. E. Hamilton, Secretary of the Territory of Oregon, be respectfully requested to furnish the legislative assembly a copy of all the correspondence between him and the Secretary of the Treasury of the United States, upon the subject of paying the expenses of the present legislative assembly.

Which was,

On motion of Mr. Curry,

Adopted.

The House then proceeded to the consideration of H. B. No. 14, reported from the committee of the whole this day, with amendments, which were severally read and agreed to.

Mr. Ford moved to further amend said bill by adding the following to 9th section :

Provided the taker up of said estray shall, after deducting all legal charges, pay one half of the amount of the balance of the appraised value of such estray or estrays into the county treasury.

Which motion was decided in the affirmative.

Mr. Avery moved to strike out of the first line of section 9, and insert in lieu thereof the word "four."

Which motion was decided in the affirmative.

Mr. Anderson moved to strike out the 11th section ; pending which motion,

On motion of Mr. Curry,

The House adjourned until Monday, 10 o'clock, A. M.

MONDAY, January 5th, 1852.

The House met pursuant to adjournment.

Mr. Ford, from the committee on roads and highways, to whom was referred the petition of Barclay J. Burn and others, for a Territorial road from Scottsburg to Winchester, reported unfavorably to said petition.

The report was accepted, and

On motion of Mr. Simpson,
Was adopted.

Mr. Avery, from the committee on elections, reported that the following named gentlemen had been duly elected members of the House of Representatives, and were entitled to seats therein :

From the county of Clackamas, G. L. Curry.

" " Clatsop and Pacific, John A. Anderson.

" " Benton, J. C. Avery and G. E. Cole.

" " Linn, Wm. Allphin and Luther White.

" " Lane, D. M. Risdon.

" " Marion, Benjamin Simpson, Willie Chapman and James Davidson.

" " Polk, Nathaniel Ford and J. S. Holman.

" " Washington, Ralph Wilcox, Z. C. Bishop and Wm. M. King.

" " Yamhill, A. J. Hembree and Samuel McSween.

" " Umpqua, Joseph W. Drew.

The report was accepted, and

On motion,

Was adopted.

(H. B. No. 20 ;) A bill to regulate the keeping of stallions and jacks, was read a second time ; and

On motion of Mr. Curry,

Was referred to committee of the whole.

(C. B. No. 6;) "An act to incorporate the Oregon City and Canemah Plank Road Company," was read a second time, and

On motion,

Was referred to committee of the whole.

The House then proceeded to the further consideration of H. B. No. 14; "A bill concerning the taking up of estrays," and

Mr. Anderson, with leave of the House, withdrew the motion made by him on Saturday, to strike out the 11th section of said bill.

On motion of Mr. Avery,

The bill was ordered to be engrossed and read a third time to-morrow.

The House then proceeded to the consideration of H. B. No. 7; "An act entitled an act regulating grocery licences," passed September 27th, 1849, which was reported with amendments from the committee of the whole on Saturday.

On motion of Mr. Avery,

The first amendment to said bill was adopted.

On motion,

The second amendment was adopted.

On motion of Mr. Holman,

Said bill was ordered to be engrossed and read a third time to-morrow.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill; (H. B. No. 10;) "An act supplemental to an act to incorporate the Portland and Valley Plank Road Company," passed January 29th, 1851, has passed the Council, and is herewith transmitted to the House, in which it originated, for enrollment and your signature.

On motion of Mr. Holman,

The House resolved itself into committee of the whole, Mr. Risdon in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Risdon, from the committee of the whole, reported that the committee of the whole having had under consideration (H. B. No. 11,) a bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem; also, (H. B. No. 19,) a bill to create and organize Douglas county, had directed him to report said bill (H. B. No. 11) with an amendment; and said bill H. B. No. 19, with sundry amendments.

On motion,

The report was accepted.

On motion of Mr. Curry,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has concurred with the House in the adoption

of (H. R. No. 15,) joint resolution calling on the Secretary of this Territory for a copy of all the correspondence between him and the Secretary of the Treasury of the United States on the subject of paying the expenses of the present Legislative Assembly, which is herewith transmitted to the House for enrollment and your signature.

The House then proceeded to the consideration of H. B. No. 11, reported from the committee of the whole this day, with amendments.

On motion of Mr. Simpson,

The amendments to said bill (H. B. No. 11) was adopted.

Said bill (H. B. No. 11) was then,

On motion of Mr. Simpson,

Ordered to be engrossed and read a third time to-morrow.

The House then proceeded to the consideration of H. B. No. 19, reported from the committee of the whole this day with sundry amendments.

On motion,

The amendments to said bill were severally adopted.

On motion of Mr. Drew,

Said bill (H. B. No. 19) was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Holman,

The House resolved itself into committee of the whole, Mr. Simpson in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Simpson, from the committee, reported that the committee of the whole having had under consideration (H. B. No. 16) a bill to provide for a view, and report upon the practicability of constructing a Territorial road from Willamette Valley to Fort Boise; and (C. B. No. 2) a bill to authorize Sylvester Hall and John B. Hall to open and keep in repair a wagon road through the Cascade mountains; also, [H. B. No. 20] a bill to regulate the keeping of stallions and jacks, and had directed him to report said bill [H. B. No. 16] with sundry amendments; and said C. B. No. 2, with one amendment, and H. B. No. 20, with sundry amendments, back to the House.

The report was accepted.

On motion of Mr. Ford,

The House adjourned until 9 o'clock, to-morrow morning.

TUESDAY, January 6th, 1852.

Mr. Curry, from the committee on engrossed bills, reported the following bills, truly engrossed, viz:

(H. B. No. 7;) "An act to amend an act entitled an act regulating grocery licences," passed September 29th, 1849;

(H. B. No. 14;) "A bill concerning taking up estrays";

(H. B. No. 11;) "A bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem";

(H. B. No. 19;) "A bill to create and organize Douglas county."

Mr. Anderson, from the select committee raised by H. B. No. 8, to take into consideration the expediency of memorializing Congress on the subject of increasing the pay of collectors of revenue in and for

the district of Oregon, reported, by memorial, H. M. No. 5, which was then read a first time, and

On motion of Mr. Curry,

The rules were suspended, and said memorial [H. M. No. 5] was read a second time now by its title.

On motion of Mr. Curry,

Fifty copies of said memorial were ordered to be printed.

Mr. Drew moved to strike out the words "three thousand dollars" wherever they occur in said memorial, and insert the words "four thousand dollars" in lieu thereof, which was, by leave of the House, withdrawn.

On motion of Mr. Cole,

Said memorial was ordered to be engrossed and read a third time to-morrow.

H. B. No. 11; A bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem, was read a third time, and

On motion of Mr. Curry,

The first blank in 2d section was filled with "first Monday in April."

On motion of Mr. Curry,

The second blank in 5th section was filled with the words "three dollars."

When the question was "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 7; An act to amend an act entitled "an act regulating grocery licences," passed September 27th, 1849, was read a third time, and

The question being, "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 19; A bill to create and organize the county of Douglas, was read a third time, and

The question being "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Avery, Chapman, Cole, Curry, Davidson, Drew, Ford, Holman, Risdon, Simpson, White and Speaker—14.

Nays—0.

So the question was decided in the affirmative.

H. B. No. 14; A bill concerning the taking up of estrays, was read a third time, and

On motion of Mr. Cole,

Was referred to a select committee.

Said committee to consist of Messrs. Cole, Chapman and Simpson, with instructions to said committee to amend the said bill by striking out the words "two years" wherever they occur, and insert in lieu thereof the words "four years," and to amend the title of said bill so that it will read "concerning estrays."

Mr. Ford, with leave, introduced a bill (H. B. No. 21) an act to license merchants, which was read a first time, and no objections being made thereto, it passed to a second reading.

On motion of Mr. Cole,

Fifty copies of said bill was ordered to be printed.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying resolution (C. R. No. 13) has passed the Council, and is herewith transmitted for the concurrence of the House.

Which resolution was then read as follows:

Resolved by the Council, the House concurring, That our Delegate in Congress, be, and he is hereby instructed to use his influence with the Congress of the United States, to have the act passed August 14th, 1848, organizing this Territory, so amended as to allow the Council to be increased from nine members to a number not to exceed fifteen, in proportion to the representation of the House, which was allowed by said act to be increased from the number of eighteen to the number of thirty.

On motion,

The House concurred with the Council in the adoption of the resolution.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council do not concur with the House in the passage of the accompanying bill, (H. B. No. 6,) an act to divorce James L. Martin from his wife Julia, and it is herewith transmitted with the accompanying document to the House wherein it originated.

Mr. Avery offered the following resolution, (H. R. No. 16) and moved its adoption:

Resolved, the Council concurring, That the joint committee heretofore appointed to memorialize Congress, be instructed to inquire into the expediency of memorializing Congress to increase the number of the Council of this Territory, and to report by memorial or otherwise.

The motion was decided in the affirmative.

The House then proceeded to the consideration of C. B. No. 2, a bill to authorize Sylvester Hall and John B. Hall, to open and keep in repair a wagon road across the Cascade mountains, reported from the committee of the whole with amendment on yesterday.

The amendment was then read as follows:

Strike out of 6th line the words "within a reasonable distance of," and insert the word "near" in lieu thereof.

On motion of Mr. Avery,

The amendment as amended was then adopted.

On motion,

The said bill was made the order of the day for to-morrow.

Mr. Risdon, with leave, introduced a bill (H. B. No. 22) to establish the election precincts in Lane county,

Which was then read a first time, and no objection being made thereto, it passed to a second reading.

On motion of Mr. Curry,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

The House then proceeded to the consideration of (H. B. No. 16) a bill to provide for a view, and report upon the practicability of constructing a Territorial road from the Willamette Valley to Fort Boise, which was reported from the committee of the whole with amendments on yesterday.

The amendments were then read, and

On motion of Mr. Simpson,

Were adopted.

On motion of Mr. Simpson,

Said bill (H. B. No. 16) was ordered to be engrossed and read a third time to-morrow.

The House then proceeded to the consideration of (H. B. No. 20) "a bill to regulate the keeping of stallions and jacks," reported with amendments from the committee of the whole on yesterday.

The amendments were then severally read and agreed to, and

On motion of Mr. Curry,

Said bill was ordered to be engrossed.

Mr. Cole, from the select committee, to whom was referred (H. B. No. 14) a bill concerning the taking up of estrays, reported the same back to the House with the following amendments, viz:

1st. Strike out of the title the words "taking up"

2d. In 8th section, 7th line, strike out the word "two" and insert "four."

The said amendments were then severally read and adopted,

When the question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Avery, Chapman, Cole, Curry, Drew, Davidson, Ford, Risdon, Simpson and White—12.

Nays—Messrs. Holman and Speaker—2.

So the question was decided in the affirmative.

On motion of Mr. Avery,

The House resolved itself into committee of the whole, Mr. Chapman in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Chapman reported that the committee of the whole, having had under consideration (H. B. No. 17) a bill concerning county lines and county seats, had directed him to report the same back to the House with the following amendments:

Strike out the word "some newspaper printed in the Territory of Oregon," and insert the following:—"by posting up written or printed

notices in five of the most conspicuous places in the county from which said petition shall come."

The report was accepted.

The amendment was then read, and

On motion,

Was adopted.

On motion of Mr. Avery,

Said bill (H. B. No. 17) was referred to a select committee.

Messrs. Simpson, Davidson and Allphin, were appointed said committee.

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council has passed the accompanying bill, (H. B. No. 8) "a bill regulating marriages," with the accompanying amendments, in which the concurrence of the House is requested.

The House then proceeded to the consideration of Council amendments to H. B. No. 8.

The first amendment was read, and

On motion of Mr. Curry,

Concurred in.

The second amendment was read, and

On motion of Mr. Avery,

Concurred in.

The third amendment was read, and

On motion,

Concurred in.

The 4th amendment was read, and

On motion of Mr. Anderson,

Concurred in.

The 5th amendment was read, and

On motion of Mr. Curry,

Concurred in.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council has passed the accompanying bill, (C. B. No. 7) an act to amend an act to provide for the public printing and distribution of the laws and journals, and it is herewith transmitted for the concurrence of the House.

Said bill, (C. B. No. 7) was then read a first time.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council has concurred with the House in the adoption of House resolution No. 18, and it is herewith transmitted to the House wherein it originated.

On motion of Mr. Avery,

The House adjourned until to-morrow, 9 A. M.

WEDNESDAY, January, 7th, 1852.

The House met pursuant to adjournment.

Mr. Allphin, from the committee on counties, reported a bill,

H. B. No. 23; An act to create and organize Jackson county, which was read a first time, and

On motion of Mr. Risdon,

The rules were suspended, and said bill read a second time now by its title, and

On motion of Mr. Cole,

Said bill was referred to committee of the whole.

Mr. Curry, from the committee on engrossed bills, reported a bill,

H. B. No. 16; A bill to view the practicability of constructing a Territorial road from the Willamette Valley to Fort Boise, and

H. B. No. 20; A bill regulating the keeping of stallions and jacks, truly engrossed.

H. B. No. 22; A bill to establish election precincts in Lane county," was read a second time, and

On motion of Mr. Risdon,

Was referred to committee of the whole.

C. B. No. 7; An act to amend an act entitled "an act to provide for the public printing and distribution of the laws and journals," was read a second time, and

On motion of Mr. Risdon,

Was referred to committee of the whole.

H. M. No. 5, to Congress of the United States, on the subject of increasing the pay of collectors of revenue in Oregon, was

On motion of Mr. Avery,

Considered engrossed, and read a third time now.

When the question was, "Shall this memorial pass?"

It was decided in the affirmative.

H. B. No. 20; A bill regulating the keeping of stallions and jacks, was read a third time,

When the question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Anderson, Chapman, Cole, Curry, Davidson, Risdon and White—7.

Nays—Messrs. Allphin, Avery, Drew, Ford, Holman, Simpson and Speaker—7.

So the bill was lost.

C. B. No. 2, having been made the order of the day, was taken up and read a third time, and

Mr. Avery moved to refer said bill to a select committee, and that said committee be instructed to so amend the same, as to make it the duty of the commissioners to examine said road each year; and also amend so that the legislative assembly may have the right to alter or repeal said act.

Which motion was decided in the affirmative, and

Messrs. Avery, Curry and Simpson were appointed said committee.

Mr. Simpson, with leave, introduced a bill (H. B. No. 24) to regulate weights and measures, which was read a first time, and no objection being made thereto, it passed to a second reading.

H. B. No. 16; A bill to view the practicability of constructing a Territorial road from the Willamette valley to Fort Boise, was read a third time, and

- On motion of Mr. White,
- The name of Jonathan Keeney, was inserted in first blank, and
- On motion of Mr. Risdon,
- The name of Felix Scott was inserted in first blank, and
- On motion of Mr. Simpson,
- The name of Luther White was inserted in first blank, and
- On motion of Mr. White,
- The name of Solomon Tethero was inserted in first blank, and
- On motion of Mr. Avery,
- The word "three dollars" were inserted in second blank.
- On motion of Mr. Curry,
- The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

The House met pursuant to adjournment.

Messrs. Hembree and McSween appeared and took their seats.

The House then proceeded to the consideration of H. B. No. 16, [the question pending on adjournment in forenoon.]

The question being "Shall this bill pass?"

It was decided in the affirmative.

Mr. Holman, with leave, introduced a bill, (H. B. No. 25) to amend an act defining the duties of Supervisors, which was read a first time, and no objection being made thereto, it passed to a second reading.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER;—I am directed by the President of the Council, to inform you that the accompanying joint resolution, (C. R. No. 14,) instructing our Delegate in Congress to use his influence with Congress to procure a donation of land to the officers and soldiers engaged in the Cayuse war, has passed the Council, and is herewith transmitted for the concurrence of the House.

The said resolution was then read a first time,

On motion of Mr. Curry,

The House resolved itself into committee of the whole, Mr. Davidson in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair and Mr. Davidson reported that the committee of the whole having had under consideration (C. B. No. 3,) "An act to incorporate the Clackamas River Bridge Company," and the report of the committee on mail facilities and mail routes; also, (H. B. No. 23,) "A bill to create and organize Jackson county," had directed him to report the said C. B. No. 3, without amendment; and said H. B. No. 23, with the following amendments:

1st. Insert after the word "Orford," in third line of third section, the following, viz: At R. P. Daniel's store, on Kenyon creek; strike out the following, in third section, "residence of the Indian Agents, near," and report that the committee had come to no resolution on said report on mail facilities and mail routes.

The report was accepted.

On motion of Mr. Risdon,

Said report on mail facilities and mail routes, was referred to a select committee of three.

Messrs. Risdon, Avery and McSween were appointed said committee.

On motion of Mr. Anderson,

The House adjourned until 9 o'clock to-morrow morning.

THURSDAY, January 8th, 1852.

The House met pursuant to adjournment.

Mr. Risdon presented the remonstrance of E. F. Skinner and others, against the location of a Territorial road from Salem to Umpqua, which was referred to the committee on roads and highways.

Mr. Curry, from the select committee to whom was referred C. B. No. 2, "A bill authorizing Sylvester Hall and John B. Hall to open and keep in repair a wagon road across the Cascade mountains," reported the same back with the following amendments:

1st. Insert after the word "effect," in the 13th line of section 2d, the following, to wit: "And said commissioner shall, each year, proceed to make a like certificate to the said S. & J. B. Hall, if he finds they have kept the said road in repair as required by the provisions of this act.

Nothing in this act shall be so construed as to prevent the Legislative Assembly, at any time, from amending the same.

Add the following:

Section 9th. This act to take effect and be in force from and after its passage.

The report was accepted.

The said amendments were then read and adopted.

When the question was "Shall this bill pass?"

Which question was decided in the affirmative.

(H. B. No. 25;) An act to amend an act defining the duties of supervisors, was read a second time, and

On motion of Mr. Cole,

Was referred to committee of the whole.

(H. B. No. 24;) An act to regulate weights and measures, was read a second time, and

On motion of Mr. Curry,

Was referred to committee of the whole.

C. R. No. 14, instructing our Delegate in Congress to use his influ-

ence with the Congress of the United States to procure a donation of land to certain officers and soldiers engaged in the Cayuse war, was read a second time; and

On motion,

Was referred to committee of the whole.

(H. B. No. 21;) A bill to license merchants, was read a second time, and

On motion,

Was referred to committee of the whole.

(C. B. No. 3;) "A bill to incorporate the Clackamas River Bridge Company," was read a third time,

When the question being "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying resolution (C. R. No. 16) has passed the Council, and is herewith transmitted for the concurrence of the House.

Said resolution was then read a first time, and

On motion of Mr. Curry,

The rules were suspended, and said resolution read a second time, and

On motion of Mr. Curry,

It was referred to committee of the whole.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed the accompanying bill, (H. B. No. 13;) "An act to authorize county commissioners to sell certain lands," and it is herewith transmitted to the House, in which it originated, for enrollment and your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed the accompanying bill, (H. B. No. 19;) "A bill to create and organize Douglas county," and it is herewith transmitted to the House in which it originated, for enrollment and your signature.

On motion of Mr. Avery,

The House resolved itself into committee of the whole, Mr. Avery in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Avery reported that the committee of the whole having had under consideration (H. B. No. 22) "A bill to establish election precincts in Lane county, and

(H. B. No. 25;) An act to amend an act defining the duties of supervisors, and

(H. B. No. 21;) "A bill to license merchants," and

C. R. No. 16; had directed him to report said H. B. No. 22 and H. B. No. 25 without amendment, and H. B. No. 21 amended by strik-

ing out 2d and 3d sections, and said Council resolution amended by striking out all after the word "herein."

The report was accepted.

On motion of Mr. Avery,

The further consideration of said H. B. No. 21 was indefinitely postponed.

On motion of Mr. Simpson,

The further consideration of said C. R. No. 16 was indefinitely postponed.

On motion of Mr. Simpson,

Said H. B. No. 25, was referred to a select committee of three.

Messrs. Simpson, Holman and Curry were appointed said committee.

The House then proceeded to the consideration of H. B. No. 23;

"An act to create and organize Jackson county," reported from the committee of the whole on yesterday with amendments.

The amendments were read, and

On motion of Mr. Drew,

Were adopted.

On motion of Mr. Curry,

Said H. B. No. 23 was ordered to be engrossed and read a third time to-morrow.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has concurred with the House in the amendment to (C. B. No. 2;) "A bill to authorize Sylvester Hall and J. B. Hall to open and keep in repair a wagon road across the Cascade mountains."

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed the accompanying bill, (C. B. No. 3;) "An act to amend an act entitled 'an act for the collection of Territorial revenue,' and it is herewith transmitted for the concurrence of the House.

On motion of Mr. Simpson,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Agreeably to adjournment, the joint convention of the two Houses of the Legislative Assembly met; and

On motion of Mr. Anderson,

Was dissolved.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying (H. B. No. 11;) "A bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem," has passed the Council, and it is herewith transmitted to the House in which it originated, for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying resolution (H. R. No. 10) has passed the Council with the accompanying amendments, and it is herewith transmitted to the House for its concurrence.

The said amendment was then read, as follows: Strike out all after the words "Oregon City," and substitute as follows;

So amend as to allow and authorize those settlers who, in pursuance of the statute aforesaid, are or may be in the occupancy of lands in said Territory, surveyed and laid out into town lots, or that may hereafter be surveyed and laid out into town lots, pursuant to the statute of this Territory upon this subject, to grant leases, to bargain, sell and convey, in fee simple, all such lot or lots; and that all bonds or other agreements given or made in good faith in pursuance of such leases, bargains, sales and conveyances, for the consumation of such title when such settlers shall receive a patent for the same shall be valid, and may be enforced in any court of competent jurisdiction; provided, nothing in this resolution shall be construed to relate to the Oregon City claim.

Mr. Anderson offered the following resolution, (H. R. No. 17):

Resolved by the House, the Council concurring, That the Council and House of Representatives of the Legislative Assembly, meet in joint convention, on Saturday the 17th day of January, A. D. 1852, for the purpose of electing a Territorial Printer, and District Attorneys for the different Judicial Districts of Oregon, which was,

On motion,

Adopted.

On motion of Mr. Simpson,

The House resolved itself into committee of the whole, Mr. Chapman in the chair, and after some time spent therein, the committee rose, the Speaker resumed the chair, and Mr. Chapman reported that the committee of the whole having had under consideration (H. B. No. 24) a bill to regulate weights and measures, had directed him to report the same back to the House without amendments.

The report was accepted.

On motion of Mr. Anderson,

Said bill (H. B. No. 24) was referred to a select committee of three. Messrs. Simpson, Allphin and White were appointed said committee.

On motion of Mr. Simpson,

The House adjourned until 9 o'clock, to-morrow morning.

FRIDAY, JANUARY 9th, 1852.

House met pursuant to adjournment.

Mr. Wilcox appeared and took his seat.

Mr. Curry, from the committee on engrossed bills, reported H. B. No. 22, an act to create and organize Jackson county, truly engrossed.

Mr. Ford, from the committee on roads and highways, reported a bill

(H. B. No. 26,) for a Territorial road from Winchester, in Douglas county, to Eugene City, in Lane county, which was then read a first time, and

On motion of Mr. Risdon,

The rules were suspended, and said bill read a second time now.

On motion of Mr. Avery,

Said bill was referred to committee of the whole.

Mr. Simpson, from the select committee to whom was referred (H. B. No. 24,) "A bill regulating weights and measures," reported the same back to the House without amendment.

The report was accepted.

Mr. Ford, from the select committee to whom was referred (H. B. No. 18,) "A bill to provide for the construction of bridges and ferries across the Des Shutes river," reported the same back to the House with amendment.

The report was accepted.

The amendment to said bill was then read; and

On motion of Mr. Simpson,

Was adopted; and

On motion of Mr. Ford,

Said bill (H. B. No. 18) was ordered to be engrossed and read a third time on Tuesday next.

On motion of Mr. Simpson,

(H. B. No. 24,) "A bill to regulate weights and measures," was ordered to be engrossed and read a third time to-morrow.

(H. B. No. 23,) "A bill to create and organize Jackson county," was read a third time;

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has passed the accompanying resolution, (C. R. No. 17,) and it is herewith transmitted to the House for its concurrence.

The said resolution was then read as follows:

Be it resolved by the Legislative Assembly of the Territory of Oregon, That the Council will meet the House of Representatives in the Hall of the latter, at the hour of 11 o'clock, A. M., on this 9th day of January, A. D., 1852, and that the Hon. O. C. Pratt, Associate Justice of the Supreme Court of this Territory, be, and hereby is, respectfully requested to meet the Assembly at the aforesaid time and place, and then, in person, read to them his answer to certain interrogations heretofore propounded to him, by joint resolutions of the 20th of December, 1851.

On motion,

The House concurred in the adoption of the said resolution.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has concurred with the House in the accom-

panying resolution, (H. R. No. 17,) regulating the assembling of both Houses in convention, on the 17th day of January, to elect certain Territorial officers.

The House then proceeded to the consideration of Council amendment to House resolution No. 10.

On motion of Mr. Drew,

The House concurred in the amendments to said resolution.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill, (C. B. No. 2;) "An act to authorize S. & J. B. Hall to open and keep in repair a wagon road across the Cascade mountains, has been reported truly enrolled, and is herewith transmitted to the House for your signature.

Eleven o'clock, the hour fixed by joint resolution (C. R. No. 17) for the assembling of both Houses in joint convention, to receive the opinion of Hon. O. C. Pratt, having arrived, the two Houses met in the Hall of the House of Representatives; and Hon. O. C. Pratt, by request of the President of said convention, in person, gave his opinion on the points submitted by joint resolution, (C. R. No. 7.)

On motion of Mr. Anderson,

Three thousand copies of said opinion were ordered to be printed.

On motion of Mr. Anderson,

The House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION—3 P. M.

Mr. Anderson moved to adjourn until 9 o'clock to-morrow morning.

Decided in the affirmative.

SATURDAY, January 10th, 1852.

The House met pursuant to adjournment.

There being no quorum present,

On motion of Mr. Avery,

The House adjourned until Monday morning at 9 o'clock, A. M.

MONDAY, January 12th, 1852.

The House met pursuant to adjournment.

Mr. Risdon, from the joint committee on enrolled bills, reported joint resolution No. 10, in regard to land law, and H. M. No. 5, in regard to increasing the pay of Collectors of Revenue in Oregon, and H. B. No. 19, an act to create and organize Douglas county, truly enrolled.

Mr. Curry, from the committee on engrossed bills, reported H. B. No. 24, an act to regulate weights and measures, and H. B. No. 18, an act

to provide for the construction of bridges and ferries across the river Des Shutes, truly engrossed.

H. B. No. 24; An act regulating weights and measures was read a third time, and

On motion of Mr. Simpson,

The blank in said bill was filled with the word "ten" dollars;

When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Anderson, from the select committee raised by the House to take into consideration the expediency of calling a convention to frame a constitution, and asking Congress to be admitted into the Union as a State, reported a bill (H. B. No. 27) to provide for the call of a convention to form a State constitution,

Which was read a first time, and

On motion of Mr. Curry,

Said bill (H. B. No. 27) was ordered to be printed.

On motion of Mr. Risdon,

H. B. No. 22; A bill to establish election precincts in Lane county, was considered engrossed and read a third now.

On motion of Mr. Risdon,

The blank in first section of said bill was filled with the name of "Hetherly;"

When the question was "Shall this bill pass?"

It was decided in the affirmative.

The Speaker here announced that he had signed the following bills,

viz: H. B. No. 19; A bill to create and organize the county of Douglas;

H. M. No. 5, in regard to increasing the pay of collectors of revenue in Oregon;

Joint resolution (H. R. No. 10,) in regard to the land law; and

C. B. No. 2; Authorizing S. and J. B. Hall to open and keep in repair a wagon road across the Cascade mountains.

On motion of Mr. Anderson,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Curry, with leave, introduced a bill (H. B. No. 28) to amend an act entitled 'an act to provide for assessing and collecting county and Territorial revenue,' and

On motion of Mr. Curry,

The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Curry,

Said bill was referred to committee of the whole.

On motion,

Fifty copies of said bill were ordered printed.

On motion of Mr. Risdon,

The House resolved itself into committee of the whole, Mr. Wilcox in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Wilcox reported that the committee of the whole having had under consideration (C. B. No. 6) a bill to incorporate the Oregon

City and Canemah plank road company, had directed him to report the same back to the House with the following amendments, viz:

- 1st. In sec. 10, 3d line, after the word "road" insert the word "street."
- 2d. In 10th line of 11th section, strike out the word "eighth," and insert the word "five."
- 3d. In 11th line of 11th section, strike out the word "five" and insert the word "three."
- 4th. In 12th line of section 11, strike out the words "twenty-five," and insert the word "fifteen."
- 5th. Strike out of 15th line of 11th section, the words "twelve and a half" and insert "ten."

The report was accepted.

On motion of Mr. Simpson,

The House adjourned until 9 o'clock, to-morrow morning.

TUESDAY, January 13th, 1852.

The House met pursuant to adjournment.

Mr. Chapman presented the petition of John Angil, and thirty-seven others, praying for a Territorial road from Lafayette to Salem;

Also, the petition of Isaac Zumalt; and fifteen others, for the same object;

Also, the petition of W. D. Cole, and thirty-one others, praying for a Territorial road from Doak's ferry, via Cincinnati and Independence to Marysville.

Mr. Simpson presented the petition of Ellen Young, praying for a divorce, which was,

On motion of Mr. Simpson,

Referred to a select committee.

Messrs. Simpson, Allphin and White were appointed said committee.

Mr. Avery, from the committee on printing, introduced a bill (H. B. No. 29) to provide for the public printing and distribution of the laws and journals, which was then read a first time, and

On motion of Mr. Simpson,

The rules were suspended, and said bill read a second time by its title.

Mr. Curry offered the following amendments to said bill:

In sec. 2d, in 5th line, between the words "dollars" and "following," insert the following—"press work per token, common forms, two dollars and fifty cents,"

Which was then read, and

On motion of Mr. Curry,

Adopted.

Mr. Anderson offered the following amendments to said bill:—after section 6th, insert the following sections:

Sec. 7. Copies of all laws originating in the Council shall be furnished as aforesaid by the clerk of the Council; and copies of all laws originating in the House shall be furnished by the Clerk of the House.

Sec. 8. It shall be the duty of the Territorial Printer, to publish in the columns of the newspaper by him published, all laws by the clerk so furnished, within twenty days after their passage; and he shall receive the sum of two dollars and fifty cents per thousand ems, as a compensation for such service.

Sec. 9. Every law so published may be read in evidence from the paper in which it shall be contained in all courts of justice of this Territory, and in proceedings before any officer or board until four months after the close of the session at which it becomes a law.

The said amendments were then read and adopted.

On motion of Mr. Curry,

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Simpson, from the select committee to whom was referred (H. B. No. 25) "an act to amend an act defining the duties of supervisors," reported the said bill with the following amendment:

Provided, that nothing in this act shall be so construed as to compel any person to work more than four days in any one year.

The report was accepted.

On motion of Mr. Simpson,

The report was adopted, and

On motion of Mr. Simpson,

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Cole, from the committee of conference on Council amendments to joint resolution (H. R. No. 7) in regard to school lands, reported that the committee had agreed to recommend that the Council recede from their amendments to said resolution.

The House then proceeded to the consideration of (C. B. No. 6) an act to incorporate the Oregon City and Canemah plank road company, reported from the committee of the whole on yesterday, with amendments.

The said amendments were then severally read and adopted.

Said bill (C. B. No. 6) was then read a third time;

When the question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Allphin, Anderson, Cole, Curry, Chapman, Drew, Davidson, Risdon, Simpson, White, Wilcox and Speaker—18.

Nays—Messrs. Ford and Holman—2.

The question was determined in the affirmative.

H. B. No. 18; "A bill to provide for the construction of bridges and ferries across the river Des Shutes, was read a third time, when

The question being "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Allphin, Anderson, Curry, Cole, Chapman, Davidson, Drew, Ford, Holman, Risdon, Simpson, White, Wilcox and Speaker—15.

Nays—0.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you, that he has signed the accompanying bills:

H. B. No. 3; "An act to provide for the selection and location of two townships of land to aid in the establishment of a University."

H. B. No. 15; "An act to amend an act entitled an act to provide for the erection of public buildings."

H. B. No. 19; "An act to create and organize Douglas county."

H. B. No. 1; "An act to amend an act entitled 'an act to provide for the appointment of a librarian, and defining his duties,' " and

(H. M. No. 5,) in regard to increasing the pay of collectors of revenues in Oregon, and joint resolution (H. R. No. 10) on the subject of the land law;

Also, (C. B. No. 2,) an act authorizing Sylvester Hall and John B. Hall to open and keep in repair a wagon road across the Cascade mountains; and said House bills, memorials and resolutions are transmitted to the House in which they originated.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill, (C. B. No. 9;) An act for a Territorial road from Lafayette to Salem, has passed the Council, and is herewith transmitted for the concurrence of the House.

Said bill (C. B. No. 9,) was then read a first time, and

On motion of Mr. Simpson,

The rules were suspended, and the bill read a second time by its title, and

On motion of Mr. Avery,

The rules were further suspended, and said bill was read a third time, When the question was, "Shall this bill pass?" It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill (C. B. No. 3) to incorporate the Clackamas River Bridge Company, has been reported truly enrolled, and is herewith transmitted for your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill (H. B. No. 22) to establish election precincts in Lane county, has passed the Council, and is herewith transmitted to the House, in which it originated, for enrollment.

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill (C. B. No. 10) to amend an act

entitled "An act establishing a system of common schools," has passed the Council, and is herewith transmitted to the House for concurrence.

Said bill was then read a first time.

On motion,

The rules were suspended, and said bill read a second time.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying bill, (H. B. No. 16;) "An act to view the practicability of constructing a wagon road from the Willamette Valley to Fort Boise," has passed the Council, and is herewith transmitted to the House, in which it originated, for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying, (H. B. No. 4;) "An act to create and organize Simmons county," has passed the Council, with the accompanying amendment, in which the concurrence of the House is requested.

The said amendment was then read as follows :

Strike out the word "Simmons" wherever it occurs in said bill, and insert the word "Thurston."

On motion of Mr. Avery,

The House concurred in said amendment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying, (C. B. No. 11;) "An act for a Territorial road from Marysville to Rogue River," has passed the Council, and is herewith transmitted for the concurrence of the House.

Said bill (C. B. No. 11) was then read a first time, and

On motion of Mr. Risdon,

The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Avery,

Said bill was referred to select committee of three.

Messrs. Avery, Drew and Risdon were appointed said committee.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council has indefinitely postponed (H. B. No. 14;) an act concerning estrays.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council has passed the accompanying, (H. B. No. 23;) "An act to create and organize Jackson county," which is herewith transmitted to the House for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying, (H. B. No. 7;) "An act to amend an act entitled 'an act regulating grocery license,' passed September 27th, 1849, has passed the Council, with the accompanying amendments, in which the concurrence of the House is requested.

The amendment was then read as follows:

Add to 1st section: "and the clerk is hereby authorized to issue such order in vacation."

On motion of Mr. Avery,

The amendment was concurred in.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill (H. B. No. 9) "an act to amend an act entitled 'an act to establish the county seat of Clatsop county,' has passed the Council and is herewith transmitted to the House in which it originated, for enrollment.

The Speaker here announced that he had signed (C. B. No. 6) an act to incorporate the Oregon City and Canemah plank road company.

Mr. Curry, with leave, introduced a bill (H. B. No. 30) to create and organize Wascopum county," which was read a first time, and no objection being made thereto, it passed to a second reading.

Mr. Cole, with leave, introduced a bill (H. B. No. 31) to provide for a wagon road across the Cascade mountains south of Mt. Jefferson," which was read a first time, and no objection being made thereto, it passed to a second reading.

On motion of Mr. Curry,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Curry presented the memorial of James B. Stephens, praying for a charter for a horse or steam ferry across the Willamette river at Portland, which was

On motion of Mr. Curry,

Referred to a select committee.

Messrs. Curry, Simpson and Chapman were appointed said committee.

Mr. Ford, with leave, introduced H. B. No. 32, "a bill to amend an act entitled: "an act amendatory to an act to provide for assessing and collecting county and Territorial revenue," passed September 29th, 1849.

Said bill was then read a first time, and no objection being made thereto, it passed to a second reading.

Message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to in-

form you that the accompanying bill (H. B. No. 24) to regulate weights and measures, has passed the Council with the accompanying amendments, in which the concurrence of the House is requested.

Said amendments were then read, as follows:

1st amendment.—In first section, 3d line, strike out "county court" and insert, "court of county commissioners;" and in latter clause of same section, strike out same words and insert as aforesaid. In 2d section, make same amendments.

2d amendment.—Insert at the end of the 3d section—"and for every weight or measure he may seal he is to be paid by the person applying for the same the sum of fifty cents."

On motion of Mr. Curry,

The House refused to concur in said amendments.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council have passed the accompanying joint resolution, (C. R. No. 18,) and it is herewith transmitted for the concurrence of the House.

The said resolution was then read as follows:

Resolved by the Council, the House concurring, That the Legislative Assembly adjourn sine die on the 21st of January, 1852.

On motion of Mr. Curry,

The said resolution was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying joint resolution (C. R. No. 20) has passed the Council, and is herewith transmitted to the House for its concurrence.

Said resolution was then read as follows:

Resolved by the Council, the House concurring, That our Delegate in Congress, be and he is hereby instructed to use his influence with the Congress of the United States, to have the act, approved February 14th, A. D. 1851, to settle and adjust the expenses of the people of Oregon, in defending themselves from the attacks and hostilities of the Cayuse Indians in the years eighteen hundred and forty-seven and eight, so amended as to allow the accounts and expenses of said war to be audited, allowed and paid off in this Territory.

On motion of Mr. Curry,

The said resolution was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council have concurred with the House in amend-

ments to C. B. No. 6, "a bill to incorporate the Oregon City and Canemah plank road company."

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying resolution (C. R. No. 19) has passed the Council, and is herewith transmitted, and the concurrence of the House requested.

Said resolution was then read, as follows:

Resolved by the Council, the House concurring herein, That our Delegate in Congress be requested to use his best endeavors to procure an order for the immediate survey of Umpqua river and Aquina Bay, on the Pacific Coast, by the officers of the Pacific Coast Survey, in order that their characters as harbors may be ascertained early the coming season.

On motion of Mr. Drew,

Said resolution was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill, (C. B. No. 12,) "an act to increase the number of Representatives in the Legislative Assembly of the Territory of Oregon" has passed the Council, and is herewith transmitted to the House for concurrence.

Said bill was then read a first time, and

On motion,

The rules were suspended, and said bill read a second time.

Mr. Avery, from the committee to whom was referred C. B. No. 11, "an act for a territorial road from Marysville to Rogue river," reported the same with the following amendments, viz:

1st. Strike out of the 2d line of the title, the words "Rogue River," and insert the word "Winchester."

2d. Strike out after first section, all after the word "Winchester."

The report was accepted.

The said amendments were then read and adopted.

Mr. Drew, with leave, introduced H. B. No. 33; "A bill to allot and apportion the member of the Council now attached to the counties of Marion and Clackamas jointly, to the counties of Umpqua, Douglas and Jackson," which was read a first time, and no objection being made there to it passed to a second reading.

On motion of Mr. Risdon,

The House resolved itself into committee of the whole, Mr. Simpson in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Simpson reported that the committee of the whole having had under consideration (H. B. No. 26) "an act for a Territorial road from Winchester, in Douglas county, to Eugene City, in Lane county," and (H. B. No. 28) a bill to amend an act entitled "an act to

provide for assessing and collecting county and Territorial revenue," and had directed him to report the same back, with sundry amendments to each.

The report was accepted.

On motion of Mr. Wilcox,

The House adjourned until 9 o'clock, to-morrow morning.

WEDNESDAY, January, 14th, 1852.

The House met pursuant to adjournment.

Mr. Curry, from the committee on engrossed bills, reported (H. B. No. 26) "an act to amend an act defining the duties of supervisors," truly engrossed.

Mr. Risdon, from the committee on enrolled bills, reported the following bills truly enrolled, viz:

H. B. No. 13; An act to authorize county commissioners to sell certain lands.

H. B. No. 11; "A bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem."

H. B. No. 10; "An act supplemental to an act to incorporate the Portland and Valley Plank Road Company," passed January 29th, 1851; and

H. B. No. 8; "A bill regulating marriages;" also,
H. R. No. 15; Calling on the Secretary of this Territory for a copy of certain correspondence.

Mr. Risdon, from the select committee to whom was referred Council resolution in regard to mail facilities and mail routes, reported the same back to the House.

The report was accepted.

Mr. Curry, from the committee to whom was referred the memorial of James B. Stephens, reported a bill (H. B. No. 34) to authorize James B. Stephens to establish a horse or steam boat ferry across the Willamette river.

Said bill was then read a first time, and no objection being made thereto, it passed to a second reading.

H. B. No. 33; "An act to allot and apportion the member of the Council now allotted to the counties of Marion and Clackamas jointly to the counties of Umpqua, Douglas and Jackson," was read a second time, and

On motion of Mr. Drew,

Was referred to committee of the whole.

H. B. No. 32; "An act to amend an act entitled an act amendatory to an act to provide for assessing and collecting County and Territorial revenue," was read a second time, and referred to committee of the whole.

H. B. No. 31; A bill to provide for a wagon road across the Cascade mountains, south of Mt. Jefferson, was read a second time; and

On motion of Mr. Cole,
Was referred to committee of the whole.

H. B. No. 27; "An act to provide for the call of a convention to form a State constitution," was read a second time; and

On motion of Mr. Anderson,
Was referred to the judiciary committee.

H. B. No. 25, was read a second time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

The House then proceeded to the consideration of (H. B. No. 26;)
"A bill for a Territorial road from Eugene City, in Lane county, to Winchester, in Douglas county," reported from the committee of the whole on yesterday, with amendments.

The amendments to said bill were then read and adopted.

On motion of Mr. Risdon,

Said bill (H. B. No. 26) was considered engrossed, and read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

The House then proceeded to the consideration of (H. B. No. 28;)
"A bill to amend an act entitled an act to provide for the assessing and collecting of County and Territorial revenue," reported from the committee of the whole on yesterday.

On motion of Mr. Cole,

Said bill was referred to a select committee of three.

Messrs. Cole, Curry and Wilcox were appointed said committee.

C. B. No. 11; An act for a Territorial road from Marysville to Rogue river, was read a third time;

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

C. B. No. 12; "An act to increase the number of representatives of the Legislative Assembly of the Territory of Oregon," was read a third time;

When the question was "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Avery, Chapman, Cole, Curry, Drew, Davidson, Ford, Holman, Risdon, Simpson, White, Wilcox and Mr. Speaker—14.

Nays—Mr. Anderson—1.

So the question was decided in the affirmative.

C. B. No. 10, was read a third time, and

On motion of Mr. Avery,

Was referred to a select committee of three.

Messrs. Avery, Wilcox and Davidson were appointed said committee.

Council report and resolution on mail routes and facilities, was read a third time, and

On motion of Mr. Avery,

The said resolution was laid on the table.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council do not accept the report of the committee of conference on H. R. No. 7, regarding the selection of school lands by the Surveyor General.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the accompanying resolution (C. R. No. 21) has passed the Council, and is herewith transmitted to the House for concurrence.

Said resolution was then read as follows :

Resolved by the Council, the House concurring, That the Surveyor General, in and for the Territory of Oregon, be, and is requested to take such measures and make such observations as may be deemed necessary by him, to ascertain whether the town known by the name of Shasta Butte City, is in Oregon Territory, and publish the result of such observation in the Territorial paper as soon thereafter as may be : Provided, however, that the expense of the same shall not exceed three hundred dollars.

Mr. Drew offered the following amendments to said resolution :

1st. Insert in the 9th line after the words "Oregon Territory," the following : "Also, that the points on the road leading from Oregon to California, where the parallel of 42 degrees north latitude crosses the same, be marked and established."

2d. After the word "and" in the 9th line, insert the following :—"that he."

On motion of Mr. Curry,

The said resolution and amendments were laid on the table.

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council insist on their amendment to H. B. No. 24, and a committee of conference, consisting of Messrs. Hall and Mealey has been appointed on part of the Council to meet a like committee from the House, to take the same into consideration.

Messrs. Simpson and Allphin were appointed a like committee on the part of the House.

On motion of Mr. Avery,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

House met pursuant to adjournment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to

inform you that the accompanying resolution (C. R. No. 22) has passed the Council, and it is herewith transmitted to the House for concurrence.

Said resolution was then read as follows:

Resolved by the Council, the House concurring, That our Delegate in Congress be, and he is hereby, instructed to use his best endeavors with the Congress of the United States to have the 20th section of the act, approved August 14th, 1848, to establish the Territorial government of Oregon, so amended as to allow the county commissioners of each county respectively, to locate two sections of land in each township for the use of common schools, in legal subdivisions, or in fractions lying between claims, without reference to size or shape, where sections 16 and 36 are occupied at the time of survey by actual settlers.

On motion of Mr. Wilcox,
The House concurred in the adoption of said resolution.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying, (C. B. No. 14;) "An act to organize the militia of Oregon Territory," has passed the Council, and it is herewith transmitted to the House for concurrence.

Said bill (C. B. No. 14) was then read a first time; and

On motion of Mr. Cole,
The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Cole,
The further consideration of the same was indefinitely postponed.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has concurred with the House in House amendments to C. B. No. 11; "An act for a Territorial road from Marysville to Rogue river."

Mr. Wilcox, with leave, introduced a bill (H. B. No. 35) to locate a Territorial road from the south bank of Columbia river, opposite Fort Vancouver, to Hillsborough, in Washington county.

Said bill was then read a first time, and

On motion of Mr. Curry,
The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Curry,
The rules were further suspended, and said bill read a third time by its title;

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

Mr. Drew, with leave, introduced a bill (H. B. No. 36) to incorporate Umpqua, Rogue River and Klamath Bridge Company.

Said bill was then read a first time, and

On motion of Mr. Cole,
The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Cole, Said bill was referred to committee of the whole.

Mr. Holman, with leave, introduced (H. B. No. 37) an act to amend an act entitled "an act on roads and highways," passed February 7th, 1851.

It was then read a first time, and

On motion of Mr. Drew, The rules were suspended, and said bill read a second time by title.

On motion of Mr. Drew,

Said bill was ordered to be engrossed and read a third time to-morrow.

The Speaker here announced that he had signed the following bills, viz:

H. B. No. 10; "An act supplemental to an act to incorporate the Portland and Valley Plank Road Company;"

H. B. No. 11; "A bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem;"

H. B. No. 8; "A bill regulating marriages;"

H. B. No. 13; "An act to authorize county commissioners to sell certain lands;"

H. R. No. 15; "Calling on the Secretary of this Territory for a copy of certain correspondence."

On motion of Mr. Simpson,

The House adjourned until 9 o'clock to-morrow morning.

THURSDAY, January 15th, 1852.

The House met pursuant to adjournment.

Mr. Speaker presented the petition of David Stone and 33 other citizens of Lewis and Clark counties, praying for a new county, which was referred to a select committee, consisting of Messrs. Wilcox, Chapman and White.

Mr. Avery presented the petition of Hon. O. C. Pratt relative to the removal of the remains of the Hon. S. R. Thurston, which was,

On motion of Mr. Avery,

Referred to a select committee of three.

Messrs. Avery, Simpson and Anderson were appointed said committee. Mr. Curry, from the committee on engrossed bills, reported (H. B. No. 37) an act to amend an act entitled an act on roads and highways; and (H. B. No. 29) a bill to provide for the public printing and distribution of the laws and journals, truly engrossed.

Mr. Ford, from the committee on roads and highways, reported a bill; (H. B. No. 38,) for a Territorial road from Salem to Lafayette, which was read a first time, and no objection being made thereto, it passed to a second reading.

Mr. Ford, from the committee on roads and highways, also reported a bill; (H. B. No. 39,) for a Territorial road from Doak's ferry, in Polk county, to Marysville, in Benton county, which was read a first time, and passed to a second reading without a question.

Mr. Simpson, from the committee of conference, on the difference between the two Houses, on the amendments of the Council to H. B. No. 24, "an act to regulate weights and measures," reported that the committee had agreed to substitute the word "board" for the word "court" in said amendment.

The report was accepted.

Mr. Anderson, with leave, introduced "a bill (H. B. No. 40) to amend an act entitled 'an act to locate a Territorial road from Astoria to the Willamette valley.'"

Said bill was then read a first time, and

On motion of Mr. Anderson,

The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Simpson,

Said bill was considered engrossed, the rules further suspended, and said bill read a third time, when

The question being "Shall this bill pass?"

It was decided in the affirmative.

Mr. Simpson, with leave, introduced a bill (H. B. No. 41) to increase the number of Representatives of the legislative assembly.

Said bill was then read a first time, and

On motion of Mr. Simpson,

The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Curry,

Said bill was referred to committee of the whole.

Mr. Chapman, with leave, introduced a bill (H. B. No. 42) to locate a Territorial road from Salem to Santiam City.

Said bill was then read a first time, and

On motion of Mr. Allphin,

The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Chapman,

The rules were further suspended, and said bill considered engrossed and read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Drew offered the following resolution, (H. R. No. 18):

Resolved by the House, the Council concurring herein; That our Delegate in Congress be, and hereby is requested to use his influence and exertions with the Congress of the United States, and with the Post Office Department at Washington, to have the mail facilities extended in Oregon, so that mail routes may be established to each county seat, and that a post office be created in each county seat.

That the Postal Agent for Oregon be instructed to locate post offices and establish mail routes with view to accommodate the people of Oregon, and to facilitate correspondence and intercourse between different parts of the Territory, rather than to make the same a source of revenue to the government. Also, that our delegate is hereby further requested to use his best endeavors that the Pacific Mail Steamship Company be requested to comply with the terms of their contract, which obligates said

company to leave a mail at Umpqua City, near the mouth of Umpqua river, on the upward and downward trips of the Pacific Mail Steamships between the Columbia river and San Francisco.

Said resolution was then read, and

On motion of Mr. Drew,

Was adopted.

H. B. No. 34; A bill to authorize James B. Stephens to establish a horse or steamboat ferry across the Willamette river, was read a second time.

Mr. Risdon moved to strike the word "exclusive" out of said bill.

Decided in the negative.

On motion of Mr. Curry,

Said bill was considered engrossed, the rules suspended, and read a third time, when

The question was "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Anderson, Chapman, Curry, Davidson, Simpson, Wilcox and Speaker—8.

Nays—Messrs. Allphin, Cole, Drew, Ford, Holman, Risdon and White—7.

The question was determined in the affirmative.

On motion of Mr. Wilcox,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Avery, from the committee to whom was referred C. B. No. 10, "an act to amend an act establishing a system of common schools," reported the same back to the House with amendments.

The report was accepted.

The amendments were then read, as follows:

1st. Strike out 2d section, and insert the following:—Such parts of acts as conflict with this act are hereby repealed.

On motion of Mr. Wilcox,

The amendment was adopted.

Said bill was then read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

Mr. Cole, from the committee to whom was referred (H. B. No. 28), "a bill to amend an act entitled 'an act to provide for assessing and collecting county and Territorial revenue,'" reported the same back to the House with amendments.

The amendments were then read, as follows:

1st. Strike out in section 1st, the word "and school."

2d. Also, in section 3d, the words for "the year 1852," and insert "until otherwise provided by law."

On motion,

Said amendments were adopted.

10—H. J.

Said bill (H. B. No. 29) was then considered engrossed and read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 37; An act concerning survey of county roads, was read a third time, and

On motion of Mr. Drew,

Was referred to committee on roads and highways.

H. B. No. 29 was read a third time, and Mr. Anderson moved to fill the first blank in 5th section of said bill with the words "twenty days," which was decided in the affirmative; and

On motion of Mr. Anderson,

The second blank in same section was filled with the words "five dollars per day," and

On motion of Mr. Anderson,

The blank in section 6th was filled with the word "five."

The question then was, "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk;—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying resolution, (C. R. No. 23,) relative to the business of the two Houses, has passed the Council, and it is herewith transmitted to the House for concurrence.

Said resolution was then read as follows:

Resolved by the Council, the House concurring, That no new business be introduced into either branch of the legislative assembly, which requires the joint action of the two Houses after Saturday, the 17th inst.

On motion of Mr. Curry,

That the House concur with the Council in the adoption of said resolution.

Decided in the negative.

A message from the Council, by Mr. White, their clerk;—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that he has signed the accompanying bills, viz:—

H. B. No. 10; An act supplemental to an act to incorporate the Portland and Valley plank road company, passed January 29th, 1851.

H. B. No. 11; A bill for a Territorial road from Portland to intersect the Territorial road from Oregon City to Salem.

H. B. No. 8; An act to regulate marriages.

H. B. No. 13; An act to authorize county commissioners to sell certain lands.

H. R. No. 15; Calling on the Secretary of this Territory for a copy of certain correspondence.

Which are herewith transmitted to the House wherein they originated.

Mr. Wilcox, with leave, introduced (H. B. No. 42) a bill to regulate the fees of witnesses.

Said bill was then read a first time, and

On motion of Mr. Risdon,

The rules were suspended, and said bill read a second time by its title.

On motion of Mr. Cole,

The rules were suspended and said bill considered engrossed and read a third time, when

The question being "Shall this bill pass?"

It was decided in the affirmative.

On motion of Mr. Cole,

The House resolved into committee of the whole, Mr. Wilcox in the chair, and after some time spent therein, the Speaker resumed the chair, and Mr. Wilcox reported that the committee of the whole having had under consideration Council resolution, No. 14, relative to a donation of land to those engaged in the Cayuse war. H. B. No. 22, an act to amend an act entitled "an act amendatory to an act to provide for assessing and collecting county and Territorial revenue," passed September 29th, 1849. H. B. No. 33; An act to allot and apportion the member of the Council now allotted to the counties of Marion and Clackamas jointly, to the counties of Umpqua, Douglas and Jackson, and H. B. No. 36; An act to incorporate the Umpqua, Rogue and Klameth river bridge company; and had directed him to report said resolution No. 14, and said H. B. No. 33 and H. B. No. 36 without amendment, and that the committee had refused to adopt said H. B. No. 32.

The report was accepted.

On motion of Mr. Avery,

The House adjourned until Monday morning at 9 o'clock, A. M.

FRIDAY, January 16th, 1852.

The House met pursuant to adjournment.

Mr. Risdon, from the joint committee on enrolled bills, reported the following bills truly enrolled, viz:

H. B. No. 9; An act to amend an act entitled "an act to locate the county seat of Clatsop county."

H. B. No. 7; An act to amend an act entitled "an act regulating grocery licenses."

H. B. No. 23; "An act to create and organize Jackson county."

H. B. No. 16; "An act to view the practicability of constructing a Territorial road from the Willamette valley to Fort Boise."

H. B. No. 4; "An act to create and organize Thurston county."

H. B. No. 22; "An act to establish the election precincts in Lane county."

Mr. Anderson, from the Judiciary committee, to whom was referred H. B. No. 27, "An act to provide for the call of a convention to frame

a State Constitution, reported the same back to the House without amendment.

Mr. Avery, from the committee to whom was referred the petition relative to bringing the remains of Hon. S. R. Thurston to Oregon, reported a bill,

H. B. No. 44; "A bill to provide means to bring the remains of the Hon. Samuel R. Thurston to Oregon for interment."

Said bill was then read a first time, and

On motion of Mr. Avery,

The rules were suspended, and said bill read a second time by its title.

On motion of same,

The rules were further suspended, and said bill considered engrossed and read a third time, and

On motion of Mr. Anderson,

The name of Adam Van Dusen was inserted in the blank in first section of said bill.

On motion of same,

The name of Wm. M. King was inserted in same blank.

On motion of Mr. Drew,

The name of W. H. Willson was inserted in same blank.

On motion of Mr. Simpson,

The words "fifteen hundred dollars" were inserted in the blanks of 2d section.

When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Avery, with leave, introduced a bill (H. B. No. 45) to amend an act entitled "an act to regulate the Treasury department."

Said bill was then read a first time, and

On motion of Mr. Avery,

The rules were suspended, and said bill read a second time, and

On motion of Mr. Simpson,

Said bill was considered engrossed, the rules further suspended, and said bill read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Wilcox, with leave, introduced (H. B. No. 46,) "An act to alter and define the eastern boundary of Lewis county,"

Which was then read a first time, and

On motion of Mr. Avery,

The rules were suspended, and said bill read a second time by title.

On motion of Mr. Simpson,

Said bill was ordered to be engrossed and read a third time to-morrow.

H. B. No. 38; "A bill for a Territorial road from Salem to Lafayette,"

Was read a second time, and

On motion of Mr. Chapman,

Said bill was considered engrossed and read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 39; "A bill for a Territorial road from Doak's ferry, in Polk county, to Marysville in Benton county,"

Was read a second time.

Said bill was ordered to be engrossed and read a third time to-morrow.

The House then proceeded to the consideration of C. R. No. 14, relative to a donation of land to those engaged in the Cayuse war, reported from the the committee of the whole on yesterday.

Mr. Ford moved to lay said resolution on the table.

Decided in the negative.

Said resolution was then read a third time,

When the question was, "Shall this resolution pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Avery, Curry, Davidson, Drew, Ford, Simpson and Wilcox—9.

Nays—Messrs. Chapman, Cole, Holman, Risdon, White and Speaker—6.

So the question was determined in the affirmative.

The House then proceeded to the consideration of H. B. No. 32; "An act to amend an act entitled 'an act amendatory to an act providing for assessing and collecting county and Territorial revenue,'" reported from the committee of the whole on yesterday.

Mr. Cole moved the indefinite postponement of said bill.

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Anderson, Avery, Chapman, Cole, Curry, Davidson and White—7.

Nays—Messrs. Allphin, Drew, Ford, Holman, Risdon, Simpson, Wilcox and Speaker—8.

So the question was decided in the negative.

Said bill was then read a third time,

The question being "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Curry, Drew, Ford, Holman, Risdon and Simpson—8.

Nays—Messrs. Avery, Chapman, Cole, Davidson, White, Wilcox and Speaker—7.

So the question was decided in the affirmative.

H. B. No. 33; "An act to allot and apportion the member of the Council now allotted the counties of Marion and Clackamas jointly, to the counties of Umpqua, Douglas and Jackson," was then read a third time, and

Mr. Anderson moved to strike out of the title of said bill, the words

"Umpqua, Douglas and Jackson," and insert the words "Clatsop, Pacific and Thurston."

Pending which motion,

On motion of Mr. Curry,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

House met pursuant to adjournment.

Mr. King moved that the further consideration of the question pending at the adjournment in the forenoon, be postponed until Monday next.

Decided in the negative.

When the question was, on the adoption of the amendment, offered by Mr. Anderson.

The question was then put, and decided in the negative.

On motion of Mr. Ford,

The further consideration of said bill was postponed until Monday next.

H. B. No. 36; "A bill to incorporate the Umpqua, Rogue River and Klamath Bridge Company," was read a third time,

When the question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Avery, Cole, Curry, Davidson, Drew, Simpson, White, Wilcox and Mr. Speaker—10.

Nays—Messrs. Ford and Risdon—2.

The Speaker here announced that he had signed the following bills, viz:

H. B. No. 9; "An act to amend an act entitled an act to locate the county seat of Clatsop county;"

H. B. No. 7; "An act to amend an act entitled an act regulating grocery license;"

H. B. No. 23; "An act to create and organize Jackson county;"

H. B. No. 16; "An act to view the practicability of constructing a Territorial road from the Willamette Valley to Fort Boise;"

H. B. No. 4; "An act to create and organize Thurston county;"

H. B. No. 22; "An act to establish election precincts in Lane county."

Mr. Curry, from the judiciary committee, with leave, introduced a bill H. B. No. 47) to provide for taking an enumeration of the inhabitants of the Territory of Oregon, which was then read a first time.

On motion of Mr. Cole,

The rules were suspended, and said bill read a second time by its title, and

On motion of Mr. Ford,

Said bill was referred to a select committee of three.

Messrs. Curry, Drew and Cole were appointed said committee;

Mr. Simpson, from the committee to procure rooms and other conveniences for the sitting of the House at its present sitting, reported that suitable rooms have been procured of Mr. Waller, and furnished

at the expense of the United States government, as per bills hereto attached, as follows, to wit :

Barnum & Willson, ...	\$139 75
Joseph Holman, ...	101 25
Horace Holden, ...	19 00
Barker & Goodhue, ...	292 00
Mr. Waller for preparing and the use of rooms, ...	100 00
	\$652 00

The report was accepted, and

On motion,

Referred to the committee on ways and means.

Mr. Curry, from the select committee to whom was referred H. B. No. 47, reported the same back to the House with the following amendments, viz :

Insert, at the close of the 1st section, the following :

And in the event of failure on the part of the assessor to perform the duties assigned him by this act, previous to the first day of October, 1852, it shall be the duty of the county commissioners of the county in which such failure occurs, to appoint some person to take the census in said county ; and said assessor or person appointed by the county commissioner, shall take an oath faithfully and impartially to perform the above assigned duties ; and the person so appointed, shall be entitled to receive the sum of five dollars per day for the time necessarily employed :

The report was accepted.

On motion of Mr. Drew,

The amendments were adopted.

On motion of Mr. Curry,

Said bill was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. White,

The House adjourned until 9 o'clock, to-morrow morning.

SATURDAY, January 17th, 1852.

The House met pursuant to adjournment.

Mr. Curry, from the committee on engrossed bills, reported (H. B. No. 47) "a bill to provide for taking the enumeration of the inhabitants of the Territory of Oregon," and

H. B. No. 46 ; "A bill to alter and define the eastern boundary of Lewis county," truly engrossed.

H. B. No. 47, was read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 46, was then read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the accompanying bill, (C. B. No. 16 ;) “An act to exempt the wife’s portion of the land donated by Congress from the liabilities or debts of the husband,” has passed the Council, and it is herewith transmitted for the concurrence of the House.

Said bill (C. B. No. 17) was then read a first time, and

On motion of Mr. Wilcox,

The rules were suspended, and said bill read a second time, and

On motion of Mr. Simpson,

The rules were further suspended, and said bill read a third time,

The question was, “Shall this bill pass?”

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the accompanying (H. B. No. 18,) An act to provide for the construction of bridges and ferries across the river Des Shutes; (H. B. No. 25 ;) “An act to amend an act defining the duties of supervisors;”

(H. B. No. 21 ;) “An act for a Territorial road from Eugene City, in Lane county, to Winchester, in Douglas county,” have passed the Council, and are herewith transmitted to the House in which they originated, for enrollment and your signature.

Also, that the accompanying (C. B. No. 16 ;) “An act to incorporate the Trustees of the Oregon Academy,” and

(C. B. No. 15 ; “An act to amend an act entitled an act to lay out the judicial districts of Oregon Territory,” passed July 25th, 1849; and an act amendatory to the act aforesaid, passed February 6th, 1851, have passed the Council, and are herewith transmitted, and the concurrence of the House requested.

Said Council bill (No. 15) was then read a first time.

On motion of Mr. Wilcox,

The rules were suspended, and said bill read a second time by its title.

Said C. B. No. 16, was read a first time, and

On motion of Mr. Avery,

The rules were suspended, and said bill read a second time by its title.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the accompanying bill, (C. B. No. 4,) creating the office of commissioner to control and sell the lands donated by Congress to the Territory of Oregon for the endowment of a University, and defining his powers and duties, has passed the Council, and the concurrence of the House is requested.

Said C. B. No. 4, was then read a first time, and

On motion of Mr. Cole,

The rules were suspended, and said bill read a second time by its title.

A message from the Council, by Mr. White, their clerk;—

MR. SPEAKER:—I am directed by the President of the Council, to inform you, that the Council concur in House amendments to C. B. No. 10, an act to amend an act entitled, "an act establishing a system of common schools," passed September 5th, 1849.

A message from the Council, by Mr. White, their clerk;—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council has adopted the accompanying resolution, (H. R. No. 18) regarding the establishment of mail routes and Post Offices, and it is herewith transmitted to the House wherein it originated.

Mr. Drew offered the following resolution, (H. R. No. 19):

Resolved by the House, the Council concurring herein, That our Delegate in Congress, be and hereby is requested to exert his influence with the Congress of the United States, to have the law passed at its thirty-first session, making Scottsville on Umpqua river, the port of entry for the district of Umpqua, so amended that Umpqua City, near the mouth of Umpqua river, may be made the port of entry for said district of Umpqua.

On motion of Mr. Wilcox,

Said resolution was adopted.

This being the day fixed by joint resolution (H. R. No. 17) for the meeting of the two Houses in joint convention for the purpose of electing a Territorial Printer and Prosecuting Attorneys for the several districts of Oregon, the two Houses assembled in joint convention in the Hall of the House of Representatives, and proceeded to ballot for a Territorial Printer.

Messrs. Waymire and Mealey on part of the Council, and Messrs. Curry and Cole on part of the House, acting as tellers.

The votes being counted, the whole number cast was 22, of which, Asahel Bush received the whole number, and was thereupon declared duly elected.

The Convention then proceeded to ballot for Prosecuting Attorney for the first and second Judicial Districts; same tellers as before.

The votes being counted, the whole number cast was 22, of which R. P. Boise received 13, James McCabe 7, scattering 2.

R. P. Boise was thereupon declared duly elected.

The convention then ballotted for Prosecuting Attorney for the third Judicial District; same tellers as before.

Same number of votes cast as before, of which Col. Ebey of Thurston county received 14, scattering 8.

Col. Ebey, of Thurston county, was thereupon declared duly elected.

Mr. Curry offered the following resolution, (H. R. No. 20):

Resolved by the House, the Council concurring, That the Surveyor Gen-

eral for the Territory of Oregon, be and he is hereby requested, to take such measures, and make such observations as may be deemed necessary by him, at as early a day as is possible, to ascertain whether the town known by the name of Shasta Butte City, is in Oregon Territory; Also, that the point on the road leading from Oregon to California, where parallel of 42° north latitude crosses the same, be marked and established; and that he publish the result of such observation in the Territorial paper, as soon thereafter as may be. Provided, however, that the expense of said undertaking shall not exceed three hundred dollars; which sum of three hundred dollars, be and is hereby appropriated for this purpose, out of any moneys in the Territorial Treasury, not otherwise appropriated.

Said resolution was then read a first time, and

On motion of Mr. Curry,

The rules were suspended and said resolution was read a second time, and

On motion of Mr. Drew,

The rules were further suspended, and said resolution considered and passed and read a third time,

When the question was, "Shall this resolution pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bills, viz:

H. B. No. 42; "To establish a Territorial road from Salem to Santiam City."

H. B. No. 43; "To regulate the fees of witnesses."

H. B. No. 35; "To locate a Territorial road from the south bank of the Columbia river, opposite Fort Vancouver to Hillsborough."

H. B. No. 44; "An act to bring the remains of S. R. Thurston to Oregon for interment."

H. B. No. 38; "A bill for a Territorial road from Salem to Lafayette," and

H. B. No. 34; "A bill to authorize James B. Stephens to establish a horse or steamboat ferry across the Willamette river,"

Have passed the Council and are herewith transmitted to the House, in which they originated, for enrollment, and your signature; also,

C. B. No. 19; "An act to establish the county seat of Douglas county," and

C. B. No. 18; "An act to provide for the election, and define the powers and duties of justices of the peace,"

Have passed the Council, and are herewith transmitted for the concurrence of the House.

C. B. No. 19; "An act to establish the county seat of Douglas county,"

Was then read a first time, and

On motion of Mr. Drew,

The rules were suspended, and said bill read a second time, and

On motion of Mr. Chapman,
The rules were further suspended, and said bill read a third time;
When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Chapman, with leave, introduced a bill;
H. B. No. 54: "An act to incorporate the Salem Literary Society."

Said bill was then read a first time, and

On motion of Mr. Simpson,

The rules were suspended, and said bill read a second time, by its title,
and

On motion of Mr. Simpson,

The rules were further suspended, and said bill considered engrossed
and ordered to be read a third time on Monday.

On motion of Mr. Cole,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

Mr. Curry offered the following resolution, (H. R. No. 21):

Resolved by the House, the Council concurring, That no new business
that will require joint action, be introduced into either branch of the
assembly, after 12 o'clock, M., on Monday next.

On motion of Mr. Curry,

Said resolution was adopted.

C. B. No. 18 was then read a first time, and

On motion of Mr. Avery,

The rules were suspended, and said bill read a second time by its
title.

Mr. Drew, with leave, introduced a bill (H. B. No. 48) to authorize
and empower the board of county commissioners to locate election pre-
cincts in their respective counties.

Said bill was then read a first time, and

On motion of Mr. Curry,

The rules were suspended and said bill was read a second time by
its title, and

On motion of Mr. Cole,

Said bill was considered engrossed, the rules suspended, and read a
third time, when.

The question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Drew, with leave, presented the petition of A. J. Scott, and 47
others, for a Territorial road from Jacob Spores', in Lane county, to John
Long's, in Umpqua county, which was referred to a select committee of
three.

Messrs. Drew, Chapman and Davidson were appointed said com-
mittee.

Message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to in-
form you that the Council has concurred with the House in the adoption

of H. R. No. 21, and it is herewith transmitted to the House in which it originated:

Mr. Drew, from the select committee to whom was referred the petition of A. J. Scott, and others, reported a bill,

H. B. No. 49; A bill for a Territorial road from Jacob Spores in Lane county, to John Long's in Umpqua county,
Which was read a first time, and

On motion of Mr. Drew,

The rules were suspended, and said bill read a second time, and

On motion of Mr. Risdon,

Said bill was referred to a select committee of three.

Messrs. Risdon, Drew and White, were appointed said committee.

Mr. Curry, from the committee on engrossed bills, with leave, reported H. B. No. 39; "A bill for a Territorial road from Doak's ferry, in Polk county, to Marysville in Benton county," truly engrossed.

H. B. No. 39 was then read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Risdon, with leave, introduced a bill (H. B. No. 50) for a Territorial road from Winchester to the south line of this Territory at or near Shasta Butte City.

Said bill was then read a first time, and

On motion of Mr. Cole,

The rules were suspended, and said bill was read a second time, by title, and

On motion of Mr. Cole,

The rules were further suspended, and said bill was read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

On motion of Mr. Wilcox,

The House adjourned until Monday morning at 9 o'clock, A. M.

MONDAY, January 19th, 1852.

The House met pursuant to adjournment.

Mr. Wilcox, from the committee on ways and means, reported a bill,

H. B. No. 51; A bill making appropriations for the expenses of the legislative assembly.

Said bill was then read a first time, and

On motion of Mr. Curry,

The rules were suspended, and said bill read a second time by title, and

On motion of Mr. Anderson,

The rules were further suspended, and said bill considered engrossed, and read a third time;

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

Mr. Ford, from the committee on roads and highways, to whom was

referred H. B. No. 37, "An act concerning the survey of county roads," reported the same back to the House with the following amendments, viz:

1st. Strike out of the 1st section and 6th line, the word "viewers."

2d. Add in the same section, 7th line, after the word "surveyor," on routes for county roads.

The report was accepted.

The amendments were then read and adopted.

The question then was, "Shall this bill pass?"

It was decided in the affirmative.

Mr. Hembree introduced H. B. No. 52, to legalize the subscription of \$1000 to the "Yamhill-Bridge Company."

Which was read a first time, and

On motion of Mr. Hembree,

The rules were suspended, and said bill read a second time by its title, and

On motion of Mr. Hembree,

The rules were further suspended, and said bill considered engrossed, and read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

Mr. Drew, with leave, introduced "a bill (H. B. No. 53,) to empower clerks of elections in unorganized counties to make returns of elections to the clerk of the nearest organized county."

Said bill was then read a first time, and

On motion of Mr. Drew,

The rules were suspended, and said bill read a second time by its title, and

On motion of Mr. Cole,

The rules were further suspended, and said bill considered engrossed, and read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 27; An act to provide for the call of a convention to form a State constitution, was read a third time, and blanks appearing, Mr. Anderson moved to fill the 1st blank in the 6th section, with "third Monday in October, A. D. 1852."

Decided in the affirmative.

Motion by Mr. Cole,

That 2d blank, in the same section, be filled with the words "Salem, in Marion county,"

Decided in the affirmative.

When the question being "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Avery, Chapman, Cole, Curry, Davidson, Drew, Ford, Holman, Risdon, White and Mr. Speaker—13.

Nays—Messrs. Hembree and Wilcox—2.

So the question was decided in the affirmative.

H. B. No. 33; "An act to allot the member of the Council now at-

lotted to the counties of Marion and Clackamas jointly; to the counties of Umpqua, Douglas and Jackson," was read a third time.

The question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Anderson, Avery, Chapman, Cole, Davidson, Drew, Ford, Hembree, Holman, and Risdon—10.

Nays—Messrs. Allphin, Curry, White, Wilcox and Mr. Speaker—5.

So the question was determined in the affirmative.

On motion of Mr. Wilcox,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

House met pursuant to adjournment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bills:

H. B. No. 16; "An act to view the practicability of constructing a Territorial road from the Willamette Valley to Fort Boise;"

H. B. No. 22; "An act to establish election precincts in Lane county;"

H. B. No. 7; "An act to amend an act entitled 'an act regulating grocery license,' passed September 27th, 1849;"

H. B. No. 23; "An act to create and organize Jackson county;"

H. B. No. 4; "An act to create and organize Thurston county;"

H. B. No. 9; "An act to amend an act entitled an act to locate the county seat of Clatsop county;" have been signed by the President of the Council, and are herewith transmitted to the House wherein they originated.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bills:

C. B. No. 6; "An act to incorporate the Oregon City and Canemah Plank Road Company;"

C. B. No. 9; "An act for a Territorial road from Lafayette to Salem;"

C. B. No. 10; "An act to amend an act entitled an act establishing a system of common schools;"

C. B. No. 11; "An act for a Territorial road from Marysville to Winchester;"

C. B. No. 12; "An act to increase the number of Representatives in the Legislative Assembly of the Territory of Oregon;"

C. B. No. 16; "An act to establish the county seat of Douglas county;" and

C. R. No. 14, in regard to the donation of land to the soldiers and officers in the Cayuse war;

C. R. No. 18, in regard to the adjournment of the Legislative Assembly ;

C. B. No. 20, in regard to the payment of Cayuse war claims ;

C. R. No. 19, in regard to the survey of Umpqua river and Aquinnah Bay ;

C. R. No. 22, in regard to the selection of common school lands by county commissioners, have been reported truly enrolled, and are herewith transmitted for the signature of the Speaker of the House of Representatives.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying bill (H. B. No. 50,) has passed the Council, and it is herewith transmitted to the House wherein it originated for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying bill :

H. B. No. 37 ; "An act to amend an act entitled an act on roads and highways," has passed the Council, and it is herewith transmitted to the House wherein it originated for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the accompanying bill, (H. B. No. 48,) "A bill to empower county commissioners to locate election precincts in their respective counties," has passed the Council, and is herewith transmitted to the House where it originated for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council has passed the accompanying resolution :

H. R. No. 20, in regard to determining the situation of Shasta Butte City, and it is herewith transmitted to the House for enrollment.

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the accompanying bill :

H. B. No. 51, has passed the Council with the accompanying amendments, in which the concurrence of the House is requested.

Said Council amendments were then read as follows :

1st. To the end of 1st section, add—"and the sum of \$7000 for the payment of members and officers of the present Legislative Assembly.

On motion,
The amendments were adopted.

2d amendment. After the word "appropriated," insert "out of any funds appropriated by Congress to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses."

On motion,
The 2d amendment was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill (C. B. No. 21) "An act to provide a block for the Washington Monument," has passed the Council, and it is herewith transmitted to the House for its concurrence.

Said (C. B. No. 21) was then read first time, and

On motion of Mr. Avery,

The rules were suspended and said bill was read a second time by its title,

Mr. Drew moved that the word "basaltic" be stricken out, which was lost.

On motion of Mr. Ford,

Said bill was amended by inserting in blank in said bill, the words "two hundred dollars."

On motion,

The rules were suspended, and said bill read a third time,

The question being "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying joint resolution, (H. R. No. 19) has passed the Council, and it is herewith transmitted to the House, wherein it originated, for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you, that the accompany bill, (H. B. No. 36,) "An act to incorporate the Umpqua, Rogue river and Klameth bridge company," has passed the Council, and it is herewith transmitted to the House wherein it originated, for enrollment.

C. B. No. 18; "An act to regulate the election, powers and duties of justices of the peace,"

Was read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

Mr. Risdon, from the select committee to whom was referred (H. B. No. 49) an act for a Territorial road from Jacob Spores', in Lane county, to John Long's in Umpqua county, reported the same with the following amendment:

At the end of 4th section, add the following:—To be paid out of any

money in the Territorial Treasury, not otherwise appropriated, any law to the contrary notwithstanding.

Said amendment was then read, and Mr. Risdon moved its adoption.

The amendment was lost.

The question then being on the final passage of the bill,

It was decided in the affirmative.

On motion of Mr. Simpson,

The committee of the whole was discharged from the further consideration of such business as was before it.

The House then proceeded to the consideration of H. B. No. 41, "an act to increase the number of Representatives of the Legislative Assembly."

Mr. Avery moved to amend said bill by striking out of 3d line of section 1st, the word "two," and insert the word "one."

A division of the question was called for, and the question being on striking out the word "two,"

It was decided in the affirmative.

The question then being on the motion to insert "one,"

Mr. Curry moved to amend the amendment by inserting "four" instead of one.

Decided in the negative.

The question then was on inserting the word "one."

Decided in the affirmative.

Mr. Avery moved to strike out of 1st section, the following words:—"county of Linn."

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Chapman, Cole, Davidson, Drew, Ford, Risdon, and Simpson—8.

Nays—Messrs. Allphin, Anderson, Curry, Hembree, Holman, White, Wilcox and Speaker—8.

So the amendment was lost.

Mr. Curry moved to indefinitely postpone the further consideration of the bill.

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Curry, Hembree, Holman, White, Wilcox and Speaker—8.

Nays—Messrs. Avery, Chapman, Cole, Davidson, Drew, Ford, Risdon and Simpson—8.

So the motion was decided in the negative.

Mr. White moved to strike out of 1st section of said bill the words, "county of Marion."

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Anderson and White—2.

Nays—Messrs. Allphin, Avery, Chapman, Cole, Curry, Davidson, Drew, Ford, Hembree, Holman, Risdon, Simpson, Wilcox and Speaker—14.

Mr. Avery moved to strike out the words "one of whom" and insert "which" in lieu thereof.

Which motion was decided in the negative.

The question was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Chapman, Cole, Davidson, Drew, Ford, Risdon and Simpson—8.

Nays—Messrs. Allphin, Anderson, Curry, Hembree, Holman, White, Wilcox and Mr. Speaker—8.

So the bill was lost.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill, (H. B. No. 32) "an act to amend an act entitled 'an act to provide for assessing and collecting county and Territorial revenue,'" has passed the Council, and is herewith transmitted to the House for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill (C. B. No. 20) "an act to amend an act entitled 'an act allowing and regulating the writ of attachment,'" has passed the Council, and is herewith transmitted, and the concurrence of the House is requested.

Said bill, (C. B. No. 20,) was then read a first time, and

On motion of Mr. Curry,

The rules were suspended, and said bill was read a second time, by title, and

On motion of Mr. Wilcox,

The rules were further suspended, and said bill was read a third time, When the question was, "Shall this bill pass?"

It was decided in the affirmative.

The Speaker here announced that he had signed the following bills and resolutions, viz:

C. R. No. 20, in regard to adjusting and paying expenses of Cayuse war.

C. R. No. 22; in regard to amendment of the act to establish the Territorial government of Oregon.

C. R. No. 18, in regard to the adjournment of the Legislative Assembly.

C. R. No. 14, in regard to the donation of land to the soldiers and officers in the Cayuse war;

C. R. No. 19, in regard to survey of Umpqua river and Aquina bay;

C. B. No. 9; "An act for a Territorial road from Lafayette to Salem;"

C. B. No. 6; "An act to incorporate the Oregon City and Canemah Plank Road Company;"

C. B. No. 19; "An act to establish the county seat of Douglas county,"

C. B. No. 12; "An act to increase the number of Representatives in the Legislative Assembly of the Territory of Oregon;"

C. B. No. 10; "An act to amend an act entitled an act establishing a system of common schools;"

C. B. No. 11; "An act for a Territorial road from Marysville to Winchester;"

C. B. No. 4; "A bill to create the office of commissioner to control and sell the lands donated by Congress to the Territory of Oregon for the endowment of a University, and define his powers and duties," came up on third reading.

Mr. Curry moved to strike out of the proviso of 1st section the words "for the time being."

Decided in the negative.

Said bill was then read a third time,

When the question was "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Avery, Chapman, Cole, Curry, Davidson, Drew, Ford, Holman, Risdon, Simpson, White, Wilcox and Speaker—15.

Nays—Mr. Hembree—1.

So the question was decided in the affirmative.

Mr. Avery, with leave, offered the following resolution:

Resolved by the House, the Council concurring, That the Council and House of Representatives, proceed by joint ballot, on the 20th of this month, to elect a University Land Commissioner.

Said resolution was decided by the Speaker to be out of order, under joint resolution, (H. R. No. 17,) that no new business requiring joint action of both Houses, should be introduced after 12 o'clock, M., of this day, adopted on the 17th inst.

An appeal was taken,

When the question was, "Shall the decision of the Speaker be sustained?"

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Curry, Drew, Davidson, Hembree, Risdon, Simpson and Wilcox—9.

Nays—Messrs. Avery, Chapman, Cole, Ford, Holman and White—6.

So the decision of the chair was sustained.

On motion of Mr. Wilcox,

The House adjourned until 9 o'clock to-morrow morning.

TUESDAY, January 26th, 1852.

The House met pursuant to adjournment.

Mr. Wilcox, from the committee on ways and means, reported that the committee had examined the bills of the following named persons, for articles furnished the legislative assembly at its present session, and recommended that they be allowed, for articles so furnished, as follows, viz:

Joseph Watt,	\$122 00
Joseph Holman, for stationery for both Houses,	191 17
Joseph Holman, for carpeting,	101 25
Cox & Crump,	18 00
Horace Holden,	38 00
M. W. & W. C. Griswold,	4 00
Asahel Bush,	10 00
Barnum & Willson,	179 63
W. Chapman,	42 50
L. J. Rector, expenses as Librarian,	34 00
Barker & Goodhue,	368 00
Mr. Waller, for rooms,	200 00

The report was accepted; and

On motion,

The accounts were allowed.

Mr. Rison, from the committee on enrolled bills, reported the following bills truly enrolled:

H. B. No. 43; "A bill to regulate fees of witnesses."

H. B. No. 42; "To establish a Territorial road from Salem to Santiam City."

H. B. No. 46; "A bill to alter and define the eastern boundary of Lewis county."

H. B. No. 38; "A bill for a Territorial road from Salem to Lafayette."

H. B. No. 35; "An act to locate a Territorial road from the South bank of the Columbia river, opposite Fort Vancouver, to Hillsborough in Washington county."

H. B. No. 34; "A bill to authorize James B. Stephens to establish a horse or steamboat ferry across the Willamette river."

H. B. No. 44; "A bill to provide means to bring the remains of the Hon. Samuel R. Thurston to Oregon for interment."

H. B. No. 50; "An act for a Territorial road from Winchester, in Douglas county, to the south line of this Territory, at or near Shasta Butte City;"

H. B. No. 32; "An act to amend an act entitled an act amendatory to an act to provide for assessing and collecting County and Territorial revenue," passed September 29th, 1849.

Mr. White moved to reconsider the vote on (H. B. No. 41) "A bill to increase the number of Representatives of the Legislative Assembly."

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Avery, Chapman, Cole, Davidson, Drew, Simpson and White—8.

Nays—Messrs. Anderson, Curry, Ford, Hembree, Holman, Wilcox and Mr. Speaker—7.

So the vote was reconsidered.

Mr. Avery moved to strike out the words "and one" in 1st section.

Mr. Curry moved the previous question, which was sustained.

The question then being on the final passage of said bill, H. B. No. 41;

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Avery, Chapman, Cole, Davidson, Simpson and White—6.

Nays—Messrs. Allphin, Anderson, Curry, Drew, Ford, Hembree, Holman, Wilcox and Mr. Speaker—9.

Message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bill, (H. B. No. 29; "An act to provide for the public printing and distribution of the laws and journals," has passed the Council, and it is herewith transmitted to the House wherein it originated, for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council do not concur with the House in the passage of the accompanying bill (H. B. No. 47;) "An act to provide for taking an enumeration of the inhabitants of this Territory."

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill (C. B. No. 18) to regulate election, powers and duties of justices of the peace, has been reported truly enrolled, and is herewith transmitted to the House for your signature.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council concur with House amendments to (C. B. No. 21;) An act to provide a block for the Washington Monument at Washington City.

C. B. No. 15; An act to amend an act entitled an act to lay out the judicial districts of Oregon Territory, passed July 25th, 1849; and an act amendatory to the act aforesaid, passed February 6th, 1851, came up, on third reading, and

Mr. Ford moved to strike out "Marion, Linn and Lane."

The yeas and nays were demanded thereon, and resulted as follows :

Yeas—Messrs. Allphin, Hembree, Ford and Holman—4.

Nays—Messrs. Avery, Anderson, Cole, Chapman, Curry, Davidson, Drew, Simpson, White, Wilcox and Mr. Speaker—11.

The question then was, "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows :

Yeas—Messrs. Anderson, Avery, Chapman, Cole, Curry, Davidson, Drew, Simpson, White, Wilcox and Mr. Speaker—11.

Nays—Messrs. Allphin, Ford, Hembree and Holman—4.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill, (H. B. No. 33;) "An act to allot and apportion the member of the Council now allotted to the counties of Marion and Clackamas to the counties of Umpqua, Douglas and Jackson, has passed the Council, and it is herewith transmitted to the House wherein it originated for enrollment.

C. B. No. 17; An act to exempt the wife's portion of land, donated by Congress, from the debts or liabilities of her husband, was read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

C. B. No. 16; "An act to establish the Oregon Academy," was read a third time,

When the question was, "Shall this bill pass?"

It was decided in the affirmative.

H. B. No. 54; An act to incorporate the Salem Benevolent Association, was then read a third time,

When the question was "Shall this bill pass?"

It was decided in the affirmative.

A message from the Council, by Mr. White, their clerk;—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bills:

H. B. No. 52; "An act to legalize the subscription to the capital stock of the Yamhill River Bridge Company, by the board of county commissioners of said county;"

H. B. No. 53; "An act to authorize and empower the clerks of elections in unorganized counties to make returns of elections to the clerks of the nearest organized county;"

H. B. No. 39; "An act for a Territorial road from Doak's ferry, in Polk county, to Marysville, in Benton county," have passed the Council, and they are herewith transmitted to the House wherein they originated for enrollment.

Mr. Speaker here announced that he had signed the following bills, viz:

H. B. No. 42; "An act to locate a Territorial road from Salem to Santiam City;"

H. B. No. 51; "An act making appropriations for the expenses of the Legislative Assembly;"

H. B. No. 32; "An act to amend an act entitled an act amendatory to an act to provide for assessing and collecting Territorial and County revenue," passed September 29th, 1849;

H. B. No. 34; "An act to authorize James B. Stephens to establish a horse or steam boat ferry across the Willamette river;"

H. B. No. 43; "An act to regulate the fees of witnesses;"

H. B. No. 38; "An act for a Territorial road from Salem to Lafayette in Yamhill county;"

H. B. No. 37; "An act to amend an act entitled an act on roads and highways," passed February 7th, 1851;

H. B. No. 48; "An act to authorize the board of county commissioners to locate and establish election precincts in their respective counties;"

H. B. No. 35; "An act to locate a Territorial road from the south bank of the Columbia river, opposite Fort Vancouver, to Hillsborough, in Washington county;"

H. B. No. 50; "An act for a Territorial road from Winchester, in Douglas county, to the south line of this Territory, at or near Shasta Butte City;"

H. B. No. 44; "An act to provide means to bring the remains of Hon. Samuel R. Thurston to Oregon for interment;"

C. B. No. 18; "An act regulating the election, powers and duties of justices of the peace;"

H. B. No. 46; "An act to alter and define the eastern boundary of Lewis county."

On motion,

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION—2 P. M.

The House met pursuant to adjournment.

Mr. Curry, on leave, introduced the following resolution:

Resolved, That the thanks of the members of the House are hereby tendered to William M. King, for the prompt and faithful discharge of his duties as Speaker.

Said resolution was then read, and unanimously adopted.

Mr. Wilcox, with leave, introduced the following resolution:

Resolved, That B. F. Harding be instructed to take charge of the furniture and other property used by this House, and safely preserve the same.

Said resolution was then read, and

On motion,

Adopted.

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill:

(H. B. No. 27;) "An act to provide for the call of a convention to form a State constitution," has passed the Council with the accompanying amendments, in which the concurrence of the House is requested. The first amendment was then read, as follows:

Whereas, this Legislative Assembly has memorialized Congress to so amend the organic act of this Territory as to permit the qualified voters of the same to elect the officers of the executive and judicial departments, and not doubting but that Congress will listen to our prayer, based as it is, upon our present necessities and immediate wants, yet to the end that the people of this Territory may not be left to suffer and endure the present state of things without some certain prospect for a speedy termination—

Section 1st. *Therefore, be it enacted by the Legislative Assembly of the Territory of Oregon,* That in the event that the present session of Congress shall adjourn without granting the prayer of said memorial, that it shall be the duty of the present President of the Council and the present Speaker of the House, to issue a proclamation, within two months after said adjournment, authorizing a poll to be opened within sixty days thereafter, at the several election precincts, for taking a vote of the people of this Territory, upon the expediency of asking Congress to authorize a convention to form a State constitution.

On motion of Mr. Curry,

The House refused to concur in the adoption of the amendment;

The 2d amendment was then read as follows:

Section 4th. The clerk of the county commissioners, in each county, shall make sealed returns of the votes on the question of "convention or no convention," to the next annual meeting of the Legislative Assembly, on or before the second Monday of the session.

On motion of Mr. Anderson,

The 2d amendment was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill:

H. B. No. 54, has passed the Council, and it is herewith transmitted to the House for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that he has signed the accompanying bills, viz:

H. B. No. 48, H. B. No. 35, H. B. No. 38, H. B. No. 37, H. B. No. 34, H. B. No. 32, H. B. No. 42, H. B. No. 46, H. B. No. 43, H. B. No. 44, H. B. No. 51, H. B. No. 50.

And they are herewith transmitted to the House wherein they originated.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bills:

H. B. No. 49; "An act for a Territorial road from Jacob Spores', to John Long's, in Umpqua county.

H. B. No. 40; "An act to amend an act for a Territorial road from Astoria to the Willamette Valley,"

Have passed the Council, and are herewith transmitted to the House for enrollment.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council has passed the accompanying bill (H. B. No. 45) with the accompanying amendments, in which the concurrence of the House is requested.

The 1st amendment was read, as follows:

Amend first section so as to make it the duty of one of the District Judges to approve the bond instead of the Auditor.

On motion,

The said first amendment was adopted.

The 2d amendment was read as follows:

Section 2d amend so as to make it the duty of one of the District Judges to approve the bond instead of the Treasurer.

On motion,

The said 2d amendment was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council do not concur with the House in passage of the accompanying bill, (H. B. No. 28) to amend an act entitled "an act to provide for assessing and collecting Territorial and county revenue."

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the Council insist on their amendments to H. B. No. 27, to provide for the call of a convention to frame a State Constitution.

On motion of Mr. Curry,

The Speaker was requested to appoint a committee of conference to meet a like committee on part of the Council, and take into consideration the difference between the two Houses on Council amendments to said bill, (H. B. No. 27).

13—H. J.

Messrs. Curry, Drew and Avery, were appointed said committee.
A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bills have been reported truly enrolled, and are herewith transmitted to the House for your signature:

C. B. No. 41; "An act to create the office of commissioner, to control, protect and sell the public lands donated by Congress to the Territory of Oregon, for the establishment and endowment of a University, and defining his powers and duties."

C. B. No. 21; "An act to provide a block for the Washington Monument at Washington City."

A message from the Council, by Mr. White, their Clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that the accompanying bill, (C. B. No. —,) "An act to allot the member of the Council now allotted to the counties of Umpqua, Benton, and part of Lane, to the counties of Benton and Lane," has passed the Council, and it is herewith transmitted, and the concurrence of the House is requested.

Said bill was then read a first time, and

On motion of Mr. Wilcox,
The rules were suspended, and said bill read a second time by title,
Mr. Wilcox moved to strike out of said bill the words "Benton and Lane," and insert the words "Marion and Clackamas."

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, White, Wilcox and Speaker—5.

Nays—Messrs. Avery, Chapman, Cole, Curry, Davidson, Drew, Ford, Holman, Risdon and Simpson—10.

The amendment was lost.

Mr. Cole moved to strike out the words "Benton and Lane," and insert "Hillsborough, Washington county."

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Anderson and Wilcox—2.

Nays—Messrs. Allphin, Avery, Chapman, Cole, Curry, Davidson, Drew, Ford, Holman, Risdon, Simpson, White and Speaker—13.

The amendment was lost.

On motion of Mr. Wilcox,
The rules were suspended, and said bill read a third time,
When the question was "Shall this bill pass?"

The yeas and nays were demanded thereon, and resulted as follows:

Yeas—Messrs. Allphin, Anderson, Avery, Chapman, Cole, Davidson, Drew, Ford, Holman, Risdon, Simpson, White and Wilcox—13.

Nays—Messrs. Curry and Speaker—2.

So the bill passed.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council has appointed Messrs. Lovejoy, Waymire and Deady a committee of conference, to meet the committee of the House, and take into consideration the difference between the two Houses in regard to amendments to H. B. No. 27.

Mr. Curry, from the committee of conference on the matter of disagreement between the two Houses, in reference to H. B. No. 27, reported that the committee came to no conclusion thereon.

The report was accepted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council has accepted the report of the committee of conference on the difference between the two Houses in reference to H. B. No. 27.

Mr. Risdon, from the joint committee on enrolled bills, reported the following bills truly enrolled:

H. B. No. 29; "An act to provide for the public printing and distribution of the laws and journals."

H. B. No. 39; "An act for a Territorial road from Doak's ferry, in Polk county, to Marysville in Benton county."

H. B. No. 52; "An act to legalize the subscription to the capital stock of the Yamhill bridge company, by the board of county commissioners for said county,"

And H. B. No. 19 and H. R. No. 20.

Mr. Speaker here announced that he had signed the following bills, viz:

C. B. No. 4; "An act creating the office of commissioner to control, protect and sell the public lands donated by Congress to the Territory of Oregon, for the establishment and endowment of a University, and to define his powers and duties."

C. B. No. 21, H. B. No. 39, H. B. No. 52, H. B. No. 29, H. R. No. 19 and H. R. No. 20.

On motion,

The House adjourned until 6 o'clock this evening.

EVENING SESSION.

Mr. Risdon, from the joint committee on enrolled bills, reported the following bills truly enrolled:

H. B. No. 54; "An act to incorporate the Salem Benevolent Association."

H. B. No. 33; "An act to allot and apportion the member of the Council now allotted to the counties of Marion and Clackamas jointly; to the counties of Umpqua, Douglas and Jackson."

H. B. No. 53; "An act to authorize and empower the clerks of elec-

tions in unorganized counties to make returns of elections to the clerk of the nearest organized county."

H. B. No. 45; "An act to amend an act entitled 'an act to regulate the Treasury department.'"

H. B. No. 36; "An act to incorporate the Umpqua, Rogue river and Klamath bridge company."

H. B. No. 40; "An act to amend an act to locate a Territorial road from Astoria to the Willamette Valley."

H. B. No. 49; "A bill for a Territorial road from Jacob Spores' in Lane county, to John Long's in Umpqua county."

Message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the accompanying bills have been reported truly enrolled, and are herewith transmitted to the House for your signature:

C. B. No. 13; "An act to allot and apportion the member of the Council now allotted to the counties of Benton and Umpqua, and part of Lane, to the counties of Benton and Lane."

C. B. No. 17; "An act to exempt the wife's portion of land, donated by Congress, from the liabilities of her husband."

C. B. No. 15; "An act to amend an act entitled an act to lay out the judicial districts of Oregon Territory," passed July 25th, 1849, and an act amendatory to the act aforesaid, passed February 6th, 1851.

C. B. No. 16; "An act to establish the Oregon Academy."

C. B. No. 20; "An act to amend an act allowing and regulating the writ of attachment."

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that he had signed the accompanying bills, viz.:

H. B. No. 52, H. B. No. 29, H. B. No. 39, H. R. No. 19, and H. R. No. 20.

The Speaker here announced that he had signed the following bills:

H. B. No. 54; "An act to incorporate the Salem Benevolent Association."

H. B. No. 49; "An act for a Territorial road from Jacob Spores' in Lane county, to John Long's in Umpqua county."

H. B. No. 45; "An act to amend an act to regulate the Treasury department."

H. B. No. 40; "An act to amend an act to locate a Territorial road from Astoria to the Willamette Valley."

H. B. No. 36; "An act to incorporate the Umpqua, Rogue River and Klamath Bridge Company;"

H. B. No. 33; "An act to allot and apportion the member of the Council now allotted to the counties of Marion and Clackamas jointly to the counties of Umpqua, Douglas and Jackson;" also,

C. B. No. 20, C. B. No. 16, C. B. No. 13, C. B. No. 17, and C. B. No. 15.

Mr. Wilcox presented the petition of Wm. L. Fraser, praying for relief, which was,

On motion of Mr. Wilcox,

Referred to a select committee.

Messrs. Wilcox, Simpson and Davidson were appointed said committee.

Mr. Wilcox, from the select committee to whom was referred the petition of Wm. L. Fraser, reported the following resolution :

Resolved, That Wm. L. Fraser be allowed the sum of fifty dollars for expenses incurred by him as door keeper in procuring fuel, &c., for the House.

On motion of Mr. Simpson,

Said resolution was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that the Council has reconsidered the vote on the report of the committee of conference on H. B. No. 27, An act to provide for the call of a convention to frame a State constitution, and that Messrs. Lovejoy, Waymire and Deady are appointed a committee to take the matter into consideration.

On motion,

The vote on the acceptance of the report of the committee of conference was reconsidered.

Mr. Curry, from the committee of conference on the difference between the two Houses in regard to Council amendments to H. B. No. 27, reported that the committee had agreed to report the following amendments :

In 1st section, amend by striking out all after the words "expediency of" until the words "a convention," and insert the word "calling," and insert the word "present" before the words "President and Speaker."

The report was received, and

On motion,

The report was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council, to inform you that the Council has adopted the report of the committee of conference on amendments to H. B. No. 27.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER :—I am directed by the President of the Council to inform you that he has signed the accompanying bills, viz :

H. B. No. 36, H. B. No. 33, H. B. No. 40, H. B. No. 49, H. B. No. 53, H. B. No. 45, H. B. No. 54, and they are herewith transmitted to the House.

On motion,

The House adjourned until 8 o'clock, to-morrow morning.

WEDNESDAY, January 21st, 1852

The House met pursuant to adjournment.

Mr. Risdon, from the joint committee on enrolled bills, reported the following bills truly enrolled:

H. B. No. 27; "An act to provide for the call of a convention to frame a State constitution."

Mr. Speaker here announced that he had signed H. B. No. 27.

Mr. Wilcox offered the following resolution:

Resolved by the House of Representatives, That the chief clerk of the House be, and hereby is, authorized to act in conjunction with the chief clerk of the Council, and forward copies of all laws, general and local, and joint resolutions, at an early day, to our Delegate in Congress, to be by him submitted to Congress for approval, and the chief clerk of each House shall prepare copies of the laws originating in each House respectively.

Mr. Drew offered the following resolution:

Resolved, That this House hereby tender their thanks to the chief clerk and other officers of the House for the prompt and faithful discharge of their duties during the present session of the Legislative Assembly.

On motion,

The said resolution was adopted.

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council to inform you that he has signed accompanying bill:

H. B. No. 27; "An act to provide for the call of a convention to frame a State constitution."

A message from the Council, by Mr. White, their clerk,—

MR. SPEAKER:—I am directed by the President of the Council, to inform you that the Council are now ready to adjourn *sine die*.

The House then adjourned *sine die* at 10 o'clock; A. M.

WILLIAM M. KING,

Speaker of the House of Representatives.

Questions of Order decided by the Speaker, at the 3d regular session of the Legislative Assembly for the years 1851-52.

MONDAY, January 19th, 1852.

AFTERNOON SESSION.

Mr. Avery offered the following resolution:

Resolved, the Council concurring, That the Council and House of Rep-

representatives proceed, by joint ballot, on the 20th of this month, to elect a University Land Commissioner.

Which resolution was decided to be out of order by the Speaker, under the following joint resolution :

H. R. No. 17, adopted by both Houses of the Legislative Assembly on Saturday the 17th day of ~~this~~ month, on the ground that it was new business, requiring joint action of both Houses.

Resolved, the Council concurring, That no new business that will require joint action, be introduced into either branch of the Assembly after 12 o'clock, M., on Monday next.

From the decision of the Speaker, an appeal was taken.

When the question was, "Shall the decision of the Speaker be sustained?"

The result was as follows :

Yeas—Messrs. Allphin, Anderson, Curry, Drew, Davidson, Hembree, Risdon, Simpson and Wilcox—9.

Nays—Messrs. Avery, Chapman, Cole, Ford, Holman and White—6.

The decision of the Speaker was sustained,

Yeas—9. *Nays*—6.

APPENDIX.

MEMORIAL.

To the Senate and House of Representatives of the United States:

Your Memorialists, the Legislative Assembly of the Territory of Oregon—legally assembled at Salem, in said Territory, on the first Monday of December, A. D., 1851—representing the people of Oregon—respectfully, but earnestly represent unto your honorable body, that the people of this Territory, after long delays, and many disappointments, (the causes of which it is needless to determine,) had extended over them the constitution and laws of the United States, by an act of Congress, approved August 14th, 1848, and known as the "Organic Act," of this Territory. Oregon numbered at that time, about ten thousand souls. From the 26th of July, A. D. 1845, up to this period, the people had lived, both at war and in peace, under a fundamental compact, of their own creation, styled the Provisional Government. They created Executive, Legislative and Judicial departments, selected the men to fill those several stations from among themselves, and by these means, preserved and maintained inviolate, their lives, liberty and property, with a savage enemy on their borders, and a foreign organization in their midst—thus successfully vindicating their capacity for self-government. The law of 14th of August, 1848, came, and with it, ceased all direct connection and sympathy between the people on the one hand, and the officers of the Executive and Judicial departments on the other; at least so far as the same could be effected by the manner of their selection, and the power to which they were accountable. While the provisions of this act are similar in the main to those proposed by Congress prior to that period for the organization of Territories, it differs materially from them all, in two respects:—First, in the total separation of the Executive and Legislative departments; and, second, in the restriction imposed on the Legislative Assembly, contained in the last clause of the sixth section of that act, as to the mode or manner of exercising their legitimate powers. Since that time, we have had two Governors. The first, Gen. Lane, entered upon the duties of his office on the 3d of March, A. D. 1849, and set the wheels of the new government in motion, by a proclamation of that date, announcing the organization of the Territory. He remained continuously in our midst, faithfully devoting his time and talents to the best interests and welfare of the people, until the 18th of June, 1850, when he was removed to make room for the present incumbent.

Gov. Gaines arrived in the Territory in the month of August, 1850; and has remained in the country, except a short absence, ever since. His administration, so far, whatever may have been his motives, or the causes of the misfortune, has been characterized by a total want of confidence and sympathy between himself and the people. Ever since he landed upon our shores, and entered upon the duties of his office—either from mental perverseness, or what is more probable, the mischievous

advice of the District Attorney, Amory Holbrook, he has sought by indirect and extra-official acts, to usurp powers placed in the hands of the Representatives of the people alone; and the consequence has been, that confusion and discord, have, like the cloud that precedes the storm, overshadowed our public affairs. As an illustration of the course of conduct pursued, and the consequences resulting therefrom, your memorialists submit the following facts: Although by the Organic law "the sum of five thousand dollars is appropriated, to be applied by the Governor to the erection of suitable buildings at the seat of government," and although the Legislative Assembly, as authorized by that act, did "proceed to locate and establish the seat of government for the Territory," by an act passed February 1, 1851, he, prompted no doubt by his evil genius, Amory Holbrook, officiously sent that body a message, declaring the act void, and has ever since assumed, without the semblance of authority on his part, to treat the same as a nullity, to withhold the appropriation, and to keep the archives and public Library under his own shadow, at another and different place entirely.

By an act of the Legislative Assembly, passed May 16th, A. D., 1850, the Governor is authorized to fill any vacancies that may occur in the Territorial offices during the recess of that body, and although the legislature has been in session two weeks, he has not deigned to report to this body any account of appointments so made, but with an utter disregard and contempt for the people and their Representatives, as appears from the announcement of the public journals of the day, has actually assumed to appoint a Territorial Treasurer and Librarian, during the present sitting of the legislature.

Since the 14th of August, 1848, we have been entitled to the presence and services of three Judges. How stands the account?

The Hon. O. C. Pratt, the first officer in the Territory, in point of time, arrived here in December, A. D. 1848; from that time until the arrival of the Hon. W. P. Bryant, on the 9th of April, 1849, there was but one Judge in the Territory. By reason of the absence of Bryant from the month of June until the month of September, A. D. 1849, we were left with but one Judge again. From that time until December, 1849, there were only two, when Bryant left the Territory, to which he has never returned, and as your memorialists are informed and believe, withheld his resignation until the first of January, 1851, unscrupulously receiving his salary up to that date. From the date of his departure, there remained but Judge Pratt in the Territory, until August, 1850, when he went to the States for his family, and returned in the month of April, A. D. 1851, where he has remained since. The Hon. William Strong arrived in the country in the month of August, 1850, and the Hon. Thomas Nelson, in the month of April, A. D. 1851. Thus it will be seen at a glance that the practical operation of the present system of appointing the Judiciary, has been to give the people of this Territory, in the aggregate, but about four years and seven months of Judicial service; while by law they have been entitled to nine years and nine months; a falling off of one half. The services have been rendered by the Judges who have from time to time been sent among us in the following proportions: Judge Pratt, two years and three months; Judge Bryant, seven months; Judge Strong, one year and three months; Judge Nelson,

seven months. Since the organization of the Territory, the three Judicial districts have been entitled in the aggregate to sixty-two regular terms of the District Court; but a careful examination of the facts, as your memorialists believe, and are well informed, show that but twenty-five were ever held.

Another serious evil to the peace and quiet of the community, and the security of property, has arisen from the interference of one District Court with the process of the other, thus rendering each, if the same spirit is carried out by all, powerless to protect itself, and the rights and property of its suitors. As an instance of this state of things, your memorialists beg leave to submit the following facts: In the month of July, 1851, an injunction was granted against one Arthur Fahie, by Judge Pratt, at Chambers, according to the statutes of this Territory, to stay waste. The process was contemptuously disregarded; Fahie was tried for the contempt, and ordered to be imprisoned ten days, and fined fifty dollars. On a petition to Judge Nelson of the first judicial district, charging the Judge of the second district with misconduct in office, the former issued a writ of *habeas corpus*, and with the advice of Judge Strong, proceeded at Chambers, without alleged defect in the warrant of commitment, to sit in judgment on the question of jurisdiction in matters of contempt in such cases, and enlarged the prisoner.

At the October Term, A. D., 1851, of the District Court, in and for the second judicial district, sitting in the county of Washington, one W. W. Chapman, an attorney of the court, having deliberately committed what was deemed a gross contempt of court, in open court, after a hearing, was ordered to be stricken from the roll of attorneys of that court and to stand committed twenty days. Afterwards, and after an escape from the officer and recapture, all of which was known to Judge Nelson of the first district; on application to him, the said Chapman was discharged on his order, on a writ of error; all of which proceedings as your memorialists are well informed and believe, are neither warranted by the statutes of this territory, nor known to the course of the common law, whereby every court is necessarily the exclusive judge of all contempts committed, either in its presence, or against its process.

Who is right in these matters, it is not our province or desire to determine. The facts have been set forth for your consideration, and it is only necessary to add the result, as seen and felt by the community at large—that is, a general sense of an impossibility to maintain order and Judicial authority in the second judicial district, by reason of illegal interference in its affairs, on the part of the Judge of the first; and so extensive is this feeling, that unless an early corrective be applied, your memorialists entertain fear that serious violence and breaches of the peace may ensue.

Your memorialists further represent, that by the Organic Act, the chief and associate justices of the Territory, "shall hold a term of the Supreme Court at the seat of government annually," and that as yet, no regular term of said court, has been holden in said Territory—if we except the assembling of two judges at Oregon City, on the first Monday of December, A. D. 1851, and the presence of the other at Salem, at the same time, and for the same purpose. The acts of the former are based upon the assumption that Oregon City is the seat of govern-

ment; which assumption, as shown by those judges in their written opinion, emanating from that place, on this subject, rests entirely on the fact, "that the Legislative body of the Provisional Government," by an act of the 27th of June, 1844, fixed the seat of government at Willamette Falls. The acts of the latter are based upon the directions of the statute before alluded to, passed February 1st, 1851. Upon this subject we submit the following facts:

First, that there never was any law of the Provisional government, so called, locating the seat of government at the Falls of the Willamette, or elsewhere, much less one passed in the year 1844, as the Provisional government commenced its existence on the 26th of July, 1845, at which time the articles of compact upon which it was based, and from which it derived its title, were adopted by a direct vote of the people. The deed spoken of, as law, was an act of a few missionaries and trappers, under a conventional arrangement, consisting of an Executive committee of three, and a Legislative committee of nine, being the first attempt at government in the Territory, if we except the Hudson's Bay Company, but was entirely thrown aside and blotted out by the large emigration from the States that fall, who built upon the ruins the Provisional government. By the Organic Law, "the Legislative Assembly" was "to hold its first session at such time and place" "as the Governor should appoint and direct." He named Oregon City, not as the seat of government—for that was beyond his power—but for the sitting of the Legislative Assembly during its first session. The Legislature met in July, 1849, and adjourned without locating the seat of government, by reason of a disagreement between the two Houses. In May, 1850, there was a called session, which, by the request of Gen. Lane and the common consent of its members, met at Oregon City, and adjourned without making a location. The second regular session of the Assembly met by common consent at Oregon City, and at that session "did proceed to locate and establish the seat of government" at Salem, by an act entitled "An act to provide for the selection of places for the location and erection of the Public Buildings of the Territory of Oregon." At the latter place, your memorialists, comprising eighteen of the twenty-two members, constituting the House of Representatives, and eight of the nine members constituting the Council, met on the first Monday in December of the present year, and after regularly organizing as the Legislative Assembly of this Territory, have proceeded to enact laws, and exercise all other powers that a body of that kind may, and of right ought to do.

Your memorialists conceive it not for them to decide as between the Judges, who is right or who is wrong on this question. An imperative sense of duty has prompted us to meet at this point, conceiving that *prima facie* at least, the seat of government is here, and well convinced, at most, that it never was established at Oregon City.

Those Judges, who have assembled at Oregon City, have fulminated against us and our acts—paper decrees, characterising us as revolutionists, and disorganizers. We do not conceive it befitting our station to reply in the same spirit and language, but feel assured of one thing, that if the difficulties and embarrassments which, at present, surround us, ever do reach the extreme that they have intimated we now occu-

py—that is revolution—the people of this Territory will be found on the one side, and they on the other. They are not amenable to us, though we alone must suffer, both from their errors of judgment and intention.

Your memorialists therefore suggest, and earnestly request, as the only complete remedy for our present and past grievances, and faithful guaranty that they will not again occur, that at your earliest convenience, at your present session, you will so amend the Organic Act of this Territory, as to permit and authorize the qualified voters of this Territory to vote for, and elect their Governor, Secretary and Judges, to hold their offices for the same time, to receive the same salaries, payable at the same time, and in the same manner as at present.

Many good and substantial reasons, as your memorialists conceive, demand this change, growing directly out of the present embarrassing under which the people labor at present, by reason of the feud existing between them and those strangers, appointed to rule over them; and also among the latter themselves.

Independent of this, your memorialists are well convinced that the system of appointments by the President, of men to execute and construe our laws, who are strangers to our wants, our customs, our sympathies, and our feelings, is intrinsically wrong, and that it is especially so when applied to a Territory situated as this is, five thousand miles from the Federal capital, we think is apparent to every candid mind who knows the facts.

The few instances of men sent among us, who have secured the confidence of the people, and risen superior to the temptations and opportunities which the system, combined with our situation, presents, to neglect the people and their interests, to make self-aggrandizement the principal aim and object of their stay among us, while their official duties remain as a mere incident, or a stepping-stone to the former, form honorable exceptions to the rule, but are only exceptions, and have proved such in spite of the system and its manifest tendencies.

In addition to this, public confidence in the competency of the Judiciary Department has become greatly impaired through serious disagreements of opinion and action amongst its members, on vital and important questions touching the public interest. As a consequence of this, much crimination and recrimination has taken place, not only between the persons of the Judges themselves, but their respective friends, all of which has seriously impaired the wholesome and proper respect for judicial authority. The merits and fitness of our present Judges for their respective stations, constitute a subject of much delicacy with your memorialists, and so far as the same has been incidentally alluded to, has only been done to the end that Congress may the better understand some of the present embarrassments of the Territory, resulting from what is conceived to be judicial misconduct.

Although our request may be objected to as novel and for want of precedent, an answer to this objection, so far as it goes, may be found in the fact, that our position and relation to the Federal Government are also novel and without precedent.

The Government of the United States is based upon the presumption, "that man is capable of self-government." If, when the people of this Territory, numbering less than half the present population, were capable of originating and maintaining, out of the crude and conflicting elements

then existing, a government for themselves, your memorialists can see no good reason why they are not capable, at this day, to select from among themselves, men of their choice, to execute and construe their laws. In our present situation we sustain the relation of absolute dependents, unfortunately, not directly upon the will of a benificent Congress, but upon the caprice of adventurers and strangers, who come here by the accident of party ascendancy, and treat their official position, when here, as a reward for political services already rendered to their party at home, rather than as the means of advancing our prosperity and interests. Although the Territories are the "property" of the United States, we conceive their inhabitants are *citizens* of the United States, and should enjoy and exercise, so far as Congress can extend it to them, the freedom of freemen.

Chancellor Kent, twenty-six years ago, speaking of our form of Territorial government, with a verity amounting almost to prophecy, described what will be its operations when the great valley of the Columbia comes to be settled, and governed by it. He says: "The colonists would be in a most complete state of subordination, and as dependent upon the will of Congress, as the people of this country [United States] would have been upon the King and Parliament of Great Britain, if they could have sustained their claim to bind us in all cases whatsoever."—(1st Kent, p. 385.) Again, upon the same subject, he says: "Such a state of absolute sovereignty on the one hand, and of absolute dependance on the other, is not congenial with the free and independent spirit of our native institutions; and the establishment of distant Territorial Governments, ruled according to will and pleasure, would have a very natural tendency, as all proconsular governments have had to abuse and oppression."—*ib.* Could he rise from the grave, where his honored ashes now sleep, he would this day behold, in the condition of the people of the Territory of Oregon, the prophesy more than realized.

We, therefore, the Representatives of the people of Oregon, and on their behalf, and calling upon God to witness the rectitude of our intentions, relying with confidence on the wisdom and magnanimity of an American Congress, to speedily relieve us from this confusion and misrule which, like an incubus, weighs upon the body of the people, and paralyzes its energies from the center to the extremities—earnestly ask that you will, by granting the prayer of this memorial, place us on a level with freemen, where our rulers will be men of our own choice. And your memorialists, as in duty bound, will ever pray, &c.

MEMORIAL

To the Congress of the United States, relative to the increase of salaries of Collectors of Revenue in and for the district of Oregon.

To the Senate and House of Representatives of the United States, in Congress assembled: Your memorialists, the Legislative Assembly of the Territory of Oregon, would respectfully represent unto your honorable body, that the collection district of Oregon, embracing all the ports, harbors, shores and waters of the main land of the Territory of Oregon, was created by an act of Congress, passed 14th August, 1848, entitled "An act to establish the Territorial Government of Oregon," and Gen. John Adair was appointed collector for the district aforesaid, on or about the 19th August, 1848.

He repaired immediately to his post of duty on the Pacific coast, bringing with him a large family, whose entire expenses were paid by himself. The news of the discovery of gold in California reached the States previous to his departure, and he was necessarily compelled, on account of the rush to the mines, to pay a large amount of money for the transportation of his family, to say nothing of the suffering and inconvenience incident to a voyage from New Orleans to Astoria. Gen. Adair has remained at his place, and faithfully discharged the duties of his office since his arrival in Oregon; notwithstanding, for many months after his arrival, it was impossible to procure in the country, many of the ordinary comforts of life, even by paying the highest and most exorbitant prices. He has been compelled, at all times since his residence amongst us, to pay the high prices of *this market*, and has never been authorized (as it is believed some government officers have been, and now are) to draw provisions from the commissary department, at Government prices. The expenses of all government officers, who have been appointed to office in Oregon, (who have accepted the same,) and came to the country, with the exception of Gen. Joseph Lane and Gen. Adair, have been furnished; not only transportation for themselves and families, by the government, but all or some of them have been permitted to bring with them, free of charge, such house furniture, farming implements, and other articles needed in the country, as they chose.

In consequence of these facts—the large expenditures that have been necessarily incurred by the collector for the district of Oregon, all of which was paid out of his own pocket at ruinous rates to himself, as well as in consequence of the fact that he has punctually and faithfully discharged the duties of his office. Your memorialists would respectfully ask that his salary be increased from the date of his appointment, to the sum of five thousand dollars per annum.

Your memorialists would further represent, that five collection districts have been established in the State of California since the establishment of the first district in Oregon, and that in each of said districts, the salaries of the collectors is fixed by law at five thousand dollars per annum, with the exception of the San Francisco district, in which the collector receives ten thousand dollars per annum, and his deputy, five thousand. It is confidently believed, that more business is done in the

collection district of Oregon than in either of the four in California where the collectors are paid five thousand dollars a year, and it is hoped that the same reasonable compensation will be granted to the collector here. Two other collection districts have been recently established in Oregon, with salaries of one thousand dollars per annum, to each of the collectors.

Your memorialists would respectfully represent, that each of the new districts, as well as the old one, (now changed,) embraces very important commercial portions of Oregon, and that it is believed, the salaries are not at all adequate to pay for the proper discharge of the duties of the offices.

Your memorialists would therefore ask, that the salaries of the collectors of the two new districts be increased from the time of their arrival in the country, to the sum of three thousand dollars per annum.

MEMORIAL

Relative to the establishment of Military Posts on the Immigrant route, between Fort Hall and the Dalles, and in the Rogue River Valley.

To the Senate and House of Representatives of the United States:

Your memorialists, the Legislative Assembly of the Territory of Oregon, would respectfully represent to your honorable body, that owing to the exposed and unprotected situation of the inhabitants on the Southern frontier of said Territory, they have been suffering great evils during the past year, from the depredations of the numerous Indian tribes in that region of country. That in several instances the lives and property of the citizens have been destroyed, and the peace and security of the settlements are constantly liable to be endangered, for the want of a military force in that quarter to keep the tribes in subjection.

Your memorialists would further represent, that the immigrants, who have crossed the plains during the past summer, have been more or less harassed along the route through the Snake tribe of Indians. That frequent cases have occurred, where the horses, cattle and other property of the immigrants have been stolen, and numerous murders committed upon small and unprotected companies, who, in the middle of this long and desolate journey, robbed of their means to prosecute their march, have been reduced to privations truly distressing. The Indians, unchecked in the perpetration of their outrages, have become more than usually hostile and emboldened. There is serious apprehension, that to the immigrants of the coming year, they will prove extremely troublesome.

In view of these facts, and for the purpose of affording some protection to the settlers, as well as while on their way here, your memorialists would humbly pray that a military post be established at some suitable point in the valley of the Rogue river country; and also, one or more places garrisoned on the road from Fort Hall to the Dalles, as will ensure the safety of the lives of the people and the security of their property, and such other relief as may tend to the interests and welfare of the Territory.

REPORT
Of Committee on mail facilities and routes, from San Francisco to Puget's Sound.

The committee to whom was referred the resolution requiring them to inquire into the expediency of memorializing Congress on the subject of Post Offices and Mail routes, have had the same under consideration, and ask leave to make the following

REPORT:

The Post Office Department of the United States never was intended to be a source of revenue to the government, but an auxiliary, to aid and assist in carrying on its operations, and to facilitate commerce and intercourse between the several States.

Notwithstanding the enormous privileges granted to Federal Officers and Departments for free postage, yet the revenue arising therefrom has met the expenditures. That revenue, then, is evidently paid by the common people. There may be some localities in Oregon, where public business is done, and court houses established, that the proceeds of an office established there would not pay the expense of carrying the mail to it, for probably a year or more; but does it follow as a matter of course, that such a locality of public business, and a place where the judicial tribunals of the county convene, should have no mail facilities, until the office will meet its own expenditures? (as now held forth by the Postal Agent in Oregon.) Your committee think not; that it was never expected that any office in new countries would meet their expenditures at first, and many of those situations have great demand for an office at their first settlement.

From the best information the committee can obtain, the Postal Agent in Oregon establishes no office, *unless with this proviso*; that the office defray expenses, which causes it to be oppressive and embarrassing to many localities of public business, contrary to what is contemplated by the genius of our government. Each county seat, at least, ought to have a post office, and a mail carried at the expense of the Post Office Department.

In regard to a mail route direct from San Francisco to Puget's Sound, north of the Columbia river, deserves some consideration. The country north of the Columbia, is rapidly filling up with citizens of the United States, and the source, a great thoroughfare from the Pacific Ocean to the interior of that country, and considerable commerce already carried on there. For them to have to depend on their communications from the States and San Francisco, by the way of the Columbia river and up the Cowlitz river to the Sound, is too circuitous and tardy, to satisfy the present progress of commerce and civilization.

From the best information the committee have been able to get, the present Postal Agent in Oregon either misconceives his duties, or is instructed by the Department adverse to the great interest of the people of the Territory.

The mail is carried through entire counties for seventy-two miles, and no way office in the whole distance; and that, through a populous coun-

try ; and on the extreme north of our Territory, we are informed, he refused to establish a post office thirty miles from any other office, although the mail was proposed to be conveyed that distance for the profits of the office.

Your committee are satisfied that something is wrong, either in the views of the Agent, or the instructions of the Department ; and as the post office arrangement is an exclusive privilege, belonging to the general government, therefore the interest of the people demand that the subject should be laid before Congress ; *provided*, that ample redress could not be had by other means, and report the following joint resolution for the action of the Council :

Resolved, the House concurring, That our Delegate in Congress, be and he is hereby instructed to use his influence and exertions, as a Delegate, with the Post Office Department, at Washington City, and in Congress, as the subject may require, to have the mail facilities extended in Oregon ; for each county seat to have a post office and mail route ; and the establishment of a mail route, direct from San Francisco, monthly, to Steilacoom City, at the head of Puget's Sound ; and also to have the mail route so altered in Linn county, as to run a direct course from Syracuse to Russell Hill, on the South Fork of the Santiam river ; thence to Calipocia, and then to Jacob Spores' Lane county ; and then a mail route established from Albany, the county town of Linn county, up the Willamette river, to intersect the mail route at Spores'.

I N D E X
TO THE
JOURNAL OF THE
HOUSE OF REPRESENTATIVES.

AMERICAN

THE

THE AMERICAN

THE AMERICAN

INDEX

TO THE

JOURNAL OF THE HOUSE OF REPRESENTATIVES.

ASSISTANT CLERK, election of, 4.

ADJOURNMENT, of Legislative Assembly, resolution concerning, 14, 36, 38, 39, 46, 65.
 " " " " sine die, 102.

AUDITOR, Territorial, resolution providing for election of, 29, 30.
 " " election of, 31.

ATTORNEY, Prosecuting, resolution providing for election of, '29, '30, '50
" " election of, '81.

ANGIL, John, petition of, for road leading from Lafayette to Salem, 60.

AQUINA BAY, resolution relating to survey of, 66.

ACADEMY, bill to incorporate one at Lafayette, 80, 94.

ATTACHMENT, writ of, (see writ)

BLACKER, J. H., petition of, for road, (see road.)

BOON, J. D., elected Territorial Treasurer, 31.

BELCHER, Milton, and others, petition of, for road, (see road,)

BRANDY BAR, in Umpqua River, removal of, 24

BRIDGE, across the Clackamas River, 35, 36, 52, 54, 62, 80.

BRIDGES, across Des Shutes River, 85, 57, 61.

the Umpqua, Rogue and Klamath Rivers, 70, 75, 78, 88.

BURN, Barclay J., and others, petition of, for Territorial road from Scottsburgh to Winchester, 41, (see road.)

BUSH, Asahel, elected Territorial printer, 815

BOISE, R. P., elected prosecuting attorney, 81.

BILLS, of persons for articles furnished the Legislative Assembly, 92.

BENEVOLENT ASSOCIATION, bill to incorporate at Salem, 94, 96.

COUNTY, petition of J. B. Chapman and others for the creation of a new county, 15.

" bill to create a new county north of the Columbia, 19, 21, 22, 25, 33.

petition for new county, The

“ Jackson, bill to create, 22, 23, 51, 52, 53, 55, 63.”

Clatsop, bill to locate county seat of, 26, 27, 64.

“ Lewis, bill to alter and define eastern boundary of, 76, 79.

" Simmons, blank filled with that name, 33, 63.

Thurston, substituted for Simmons. 63

* petition for new county to be created from southern portion of Umpqua, 35, 41.

“ Douglas, bill to create, 27, 38, 41, 45, 46, 47 54.

“ „ bill to establish county seat of, 82, 83

Orford, petition for county of that name, 41.

“ Wascopum, petition for creation of county of that name, 64

" Lane, bill to establish election precincts in, 48, 49, 51, 54, 59, 62.

COUNTIES, bill respecting petitions for, &c., 35, 49, 50.

CASCADE MOUNTAINS, bill providing for road across, (see road.)

- CLERK, of the House, appointment pro tem., 3.
 " " " elected, 4, (see assistant clerk, and second assistant clerk.)
- CREDENTIALS, of members, committee appointed to examine the same, 3.
- COMMITTEES, (see standing committees.)
- COMMISSIONER, Cayuse, (see war.)
 " County, authorized to sell certain lands, 32, 33, 37, 42, 54.
 " to control and sell the University lands, 80, 81.
 " " " " resolution relating to election of, 91.
- CAPITAL, (see seat of government.)
- CONSTITUTION, (see State constitution.)
- CHAPMAN, J. B., petition of, for a new county, (see county.)
- COLLECTORS, of revenue, resolution and memorial concerning increase of pay of, 28, 29, 46, 47, 51.
- CONVENTION, of the two Houses, 29, 30, 31, 55, 56, 58.
 " to form a constitution, (see State constitution.)
- CLACKAMAS RIVER, company incorporated to build a bridge across, (see bridge.)
- COLE, W. D., petition of, for road, 60.
- COULS, J. B., and others, petition for new county to be formed from Umpqua, 41, (see county.)
- CANEMAH, and Oregon City Plank Road Company, bill to incorporate, (see road.)
- COUNCIL, increase of members of, 48.
 " bill to change the districts, 77, 78, 85, 86, 94, 98.
- CAYUSE WAR, commissioner of claims, (see war.)
 " " resolution asking for donation of land to officers and soldiers engaged in, 52, 53, 54.
- COMMON SCHOOLS, bill amendatory of an act providing for, 62, 63, 73, 81.
- CASCADE MOUNTAINS, road across the same, (see road.)
- COUNCIL, bill to allot the member of allotted to Clackamas and Marion counties jointly, to the counties of Umpqua, &c, 66, 67, 75.
- CENSUS, of the inhabitants of Oregon, (see inhabitants.)
- DOOR-KEEPER, election of, 4.
- DIVORCE, petition of Harriet Wonce for, (see Wonce.)
 " petition of James L. Martin for, (see Martin.)
 " petition of Ellen Young for, (see Young.)
- DES SHUTES, River, bill to provide for bridges and ferries across, (see bridges and ferries.)
- DOUGLAS COUNTY, (see county.)
- ESTRAYS, bill concerning, 27, 34, 36, 42, 43, 45, 47, 49.
 " indefinite postponement of bill concerning, 63.
- ELECTIONS, report of committee on, 44.
- ELECTION PRECINCTS, in Lane county, (see county.)
 " " " bill to authorize county commissioners to establish the same, 83, 87.
- ELECTION RETURNS, bill relating to, 85, 94.
- EBEY, Col., elected prosecuting attorney, 81.
- FRASER, Wm. L., elected door-keeper, 4.
 " " " petition for relief, 101.
- FEDERAL OFFICERS, resolution providing committee to investigate conduct of, 10, 11, 17.
 " " " " memorial concerning, 85.
- FEMALES, donation of land to, 20, 21, 29, 36.
- FORT BOISE, road from, to Willamette Valley, (see road.)
- FERRIES across the river Des Shutes, (see bridges.)
- FERRY, steam or horse, across the Willamette river, 64, 67, 73, 82.
- FEES, of witnesses, bill to regulate the same, (see witnesses.)
- GEOLOGICAL SURVEY, of the Territory, (see survey.)
- GROCERIES, bill to license, 26, 33, 43, 45, 47, 64.
- GOVERNOR, memorial praying for power to elect, (see officers.)
- HARDING, Benj. F., appointed clerk pro tem., 3.
 " " " elected, 4.
 " " " elected commissioner of Cayuse war claims, 81.
 " " " instructed to take charge of furniture belonging to Assembly, 86.

- HEMBREE, A. J., leave of absence granted to, 32.
- HALL, Sylvester and J. B., authorized to construct a road across the Cascade mountains, (see road)
- HAMILTON, E., resolution calling for correspondence between him and the Secretary of the Treasury, 43, 45, 46.
- HIGHWAYS, bill relating to, (see road)
- INMIGRANTS, depredations upon, by the Snake River Indians, 16, 17, 36.
- INHABITANTS, of Oregon, bill providing for taking the census of, 78, 79, 93.
- JUDGES, Nelson and Strong, preamble and resolution concerning, 14, 15.
 " memorial praying power to elect, (see officers.)
- JACKSON COUNTY, (see county.)
- JACKS AND STALLIONS, bill to regulate the keeping of, 42, 44, 45, 46, 49, 51.
- JOURNALS, of Legislative Assembly, bill to provide for printing the same, (see printing.)
- JUDICIAL DISTRICTS, bill amendatory of act establishing the same, 80, 93, 94.
- JUSTICES OF THE PEACE, bill providing for the election, and defining the powers and duties of, 82, 83, 88, 93.
- KING, Wm. M., appointed Speaker pro tem., 3.
 " " elected, 4
 " " resolution of thanks to, 95.
- KLAMATH RIVER, bill to provide for construction of bridges across, (see bridges.)
- LIBRARIAN, bill amendatory of act concerning, 13, 17, 19, 20.
 " resolution providing for election of, 29, 30.
 " election of, 31.
 " report of, 42.
- LIBRARY, resolution directing the Librarian to cause the same to be removed to the seat of government, 33.
- LOCATION LAW, opinion concerning validity called for, 18, 19, 23, 24, 57, 58.
- LICENSE, to sell spirituous liquors, (see groceries.)
 " bill to license merchants, (see merchants.)
- LEGISLATIVE ASSEMBLY, increase of members of, 44, 48, 72, 89.
 " " report of committee to procure and prepare rooms, 78, 79.
 " " bill making appropriations for expenses of, 84, 87, 88.
- LANE COUNTY, bill to establish election precincts in, (see county.)
- LAWS, bill to provide for the printing of, &c., (see printing.)
 " chief clerk directed to forward copies of, to delegate in Congress for approval, 102.
- LAFAYETTE, bill for road from, to Salem, (see road)
- LEWIS COUNTY, bill to alter and define southern boundary of, (see county.)
- LITERARY SOCIETY, one incorporated at Salem, 83.
- MASSEY, E. L., elected assistant clerk, 4.
- MCCORMICK, Benj., elected sergeant-at-arms, 4.
- MEMORIALS, (indexed under head of subject matter.)
- MILITARY POST, in Rogue River Valley, 17.
- MILITIA, bill providing for organization of same, 70.
- MARTIN, James L., petition for divorce, 18, 22, 26, 30, 48.
- MULATTOES, bill concerning, (see negroes.)
- MARRIAGES, bill to regulate, 26, 31, 33, 37, 50.
- MAIL ROUTES, and facilities, resolution concerning, 28, 42, 53, 67, 68, 72.
- MINORS, donation of land to, 20, 21, 29, 36.
- MEMBERS, of the Legislative Assembly, (see Legislative Assembly.)
- MERCHANTS, bill to license, 47, 48, 54, 55.
- MONUMENT, national, at Washington, bill to provide block for, 88, 93.
- NEGROES AND MULATTOES, bill amendatory of act prohibiting, &c., 16, 18, 20.
- NEW BUSINESS, resolution prohibiting any, requiring joint action, to be introduced, 74, 83.
- OATH OF OFFICE, administration of, to members, 3, 4.
 " " administration of, to officers of House, 4, 21.
- OFFICERS, of the House, election of, 4.
 " of the Council, 10, (see federal officers.)
 " Territorial, election of, 29, 30.
 " Federal, memorial praying for power to elect, 35, 38, 39, 40.
- OREGON CITY, bill to repeal act donating lots in, 30, 33.
 " " plank road from, to Canemah, (see road.)
- OREGON ACADEMY, (see academy.)
- OLNEY, N. & C., memorial of, respecting bridges and ferries on Des Shutes river, 41.
- ORFORD COUNTY, (see county.)
- ORDER, questions of, decided, 102, 103.

- PRATT, O. C.**, opinion called for, (see location law.)
 " " invited to read opinion, 57.
 " " petition of, for removal of remains of Hon. S. R. Thurston, 71.
PORTLAND, road from, intersecting road leading from Oregon City to Salem, (see road.)
 " " and Valley Plank Road Company, (see Plank Road.)
PLANK ROAD, bill amending charter of the Portland and Valley Company, 27, 30, 45.
 " " between Oregon City and Canemah, [see road.]
PRINTER, Territorial, resolution providing for election of, 56.
 " " election of, 81.
 " " resolution of instruction to, 38.
PRINTING, public, bill to provide for, 50, 51, 60, 61, 93.
PUBLIC BUILDINGS, bill amendatory of law providing for erection of, 34, 36, 37.
PUGET'S SOUND, mail route from San Francisco to, [see mail.]
POST OFFICE, resolution asking Congress to establish one at each county seat, 72, 73.
PACIFIC MAIL STEAMSHIP CO., resolution concerning 72, 73.
PORT OF ENTRY, resolution relating to a change of same for the district of Umpqua, 81.
PROSECUTING ATTORNEY, [see attorney.]
- QUALIFICATION** of members, [see oath of office.]
 " of officers, [see same reference.]
QUORUM, none present, 41.
- ROOMS**, appointment of committee to provide same for use of House, 4.
RULES, appointment of committee to draft rules for the government of the House, 5.
 " report of committee, 5, 6, 7, 8, 9, 10.
 " joint, committee appointed to draft the same, 10.
 " report of said committee, 11, 12.
ROGUE RIVER, military post in Valley of, 17, 22, 26, 28.
 " " bill providing for construction of bridges across, [see bridges.]
REVENUE, increase of salaries of collectors of, (see collectors.)
 " Territorial, bill to provide for the collection of, 55.
 " County and Territorial, bill relating to, 59, 64, 67, 68, 73, 74, 75, 77, 91, 92.
RECTOR, Ludwell, elected Territorial Librarian, 31.
 " " directed to take the library to the seat of government, 38.
REPRESENTATIVES, bill to increase the number of, 66, 68, 92, 93.
ROAD, from Winchester to Shasta Butte City, 84.
 " " from Portland to intersect the Territorial road from Oregon City to Salem, 19, 30, 31, 45, 46, 47, 55.
 " " from Salem to Winchester, 32.
 " " from John Long's to Jacob Spores', 83, 84, 88, 89, 97.
 " " from Willamette Valley to Fort Boise, 34, 36, 46, 49, 52.
 " " Sylvester and John B. Hall authorized to construct one across the Cascade mountains, 34, 36, 46, 48, 51, 53, 55.
 " " from Scottsburg to Winchester on the Umpqua, 41, 44.
 " " plank, between Oregon City and Canemah, 43, 45, 59, 60, 61, 65, 66.
 " " from Winchester to Eugene City, 56, 57, 66, 68, 80.
 " " from Salem to Lafayette, petition for, 60.
 " " " " bill to provide for, 62, 71, 76, 82.
 " " from Marysville to Rogue River, bill to provide for, 68, 66, 63, 70.
 " " across the Cascade mountains, bill to provide for, 64, 67, 68.
 " " from Columbia River, opposite Fort Vancouver, to Hillsborough, 70, 82.
 " " from Doak's ferry to Marysville, 71, 77, 84, 94.
 " " from Astoria to the Willamette Valley, 72, 77.
 " " from Salem to Santiam City, 72, 82.
ROADS AND HIGHWAYS, bill concerning, 81, 74, 84, 85, 87.
- SPEAKER**, pro tem., appointment of, 3.
 " elected, 4.
SERGEANT-AT-ARMS, election of, 4.
STANDING COMMITTEES, appointment of, 11, 12, 13.
SECOND ASSISTANT CLERK, election of, 15.
SEAT OF GOVERNMENT, notice of introduction of bill to locate the same definitely, 15.
 " " resolution calling for opinion of Judge Pratt concerning law locating, 18, 19.
 " " memorial concerning, 43.
STATE CONSTITUTION, resolution relating to, 16, 17, 19.
 " " bill providing for holding convention to form one, 59, 65, 76, 76, 85, 96, 97, 98, 99, 101, 102.

SNAKE RIVER INDIANS, their depredations upon immigrants, (see immigrants.)

SCHOOL LANDS, 24, 27, 61, 69, 70.

SURVEY, Geological survey of the Territory, 25.

SALEM, road from, to Winchester, (see road.)

" road from, to Lafayette, (see road.)

SECRETARY, Territorial, memorial praying for power to elect, (see officers.)

SMITH, Thomas, petition of, for new county to be formed out of portion of Umpqua, (see county.)

SCOTT, A. J., petition of, for road, 83, (see road.)

SAN FRANCISCO, mail route from, to Puget's Sound, (see mail route.)

STALLIONS, bill to regulate the keeping of, (see jacks and stallions.)

SCOTTSBURGH, road from, to Winchester, 44.

SUPERVISORS, bill defining the duties of, 52, 53, 54, 55, 61.

SIMMONS COUNTY, (see county.)

STEPHENS, James B., petition of, for charter to establish a steam or horse ferry on the Willamette, (see ferry.)

SHASTA BUPE CITY, resolution concerning latitude of, 69, 81, 82, 87.

STONE, David, petition of, for new county, (see county.)

SCOTTSVILLE, resolution asking Congress to remove the port of entry from the same to Umpqua City, (see port of entry.)

TILFORD, Franklin, petition of, and others, for repeal of negro and mulatto law, 15.

TREVITT, Victor, elected second assistant clerk, 15.

" " qualified, 21.

TREASURER, Territorial, resolution providing for election of, 29, 30.

" election of, 31.

TOWNS, resolution concerning the sale of lands in, 31, 32, 42, 56.

THORNTON, J. Quinn, petition of, 41.

TICHENOR, Wm., petition of, for county to be called Orford, 41, (see county.)

THURSTON, County, (see county.)

" Hon. S. R., petition for removal of remains of, to Oregon, 71.

" " bill providing for such removal, 86, 72.

TREASURY DEPARTMENT, bill amendatory of act regulating, 76, 97.

THANKS, resolution of, to officers, 102.

UNIVERSITY, bill to provide for selection and location of two townships of land to aid in the establishment of, 16, 18, 20, 21, 22, 23.

" bill to provide for election of commissioner to control and sell the lands donated to endow a University, (see commissioner.)

UMPQUA RIVER, bill to provide for bridges across, (see bridges.)

" " removal of bar from, 35.

" " survey of, 66.

" County, new county formed out of southern portion of the same, (see county.)

" City, resolution asking Congress to make the same a port of entry, (see port of entry.)

WILLAMETTE, River, memorial concerning improvement of, 16, 27, 32, 33, 36.

" Valley, road from, to Fort Boise, (see road.)

WONCE, Harriet, petition of, for divorce, 17, 18, 25.

" " leave of withdrawal of petition, 40.

" George, petition for divorce, 18, 25.

" " leave to withdraw petition, 40.

WAR, Cayuse, resolution providing for election of commissioner of claims, 29, 30.

" " election of commissioner of, 31.

" " resolution concerning expenses of, 65.

" " donation of lands to soldiers engaged in, 75, 77.

WILLSON, Wm. H., elected Territorial Auditor, 31.

WEIGHTS AND MEASURES, bill to regulate, 32, 52, 53, 56, 57, 59, 65, 71.

WINCHESTER, road from Salem to, (see road.)

WASCOPEUM, County, bill to create, (see county.)

WITNESSES, bill to regulate the fees of, 75, 82.

WIFE, bill to exempt her portion of land claim from the debts and liabilities of the husband, 80, 94.

WASHINGTON MONUMENT, bill to provide for block for, 88, (see monument.)

WRIT OF ATTACHMENT, bill amending act allowing and regulating the same, 90.

YAMHILL RIVER, memorial praying for appropriation for improvement of, 29, 30, 33, 39.

" Bridge Company, bill to legalize subscription to, 85, 94.

YOUNG, Ellen, petition of, for divorce, 60.

ZUMALT, Isaac, petition for road, (see road.)